

If a trespasser causes any damage to any real or personal property whatsoever either of a public or private nature by his trespassing he may be prosecuted summarily for committing wilful or malicious damage which in the opinion of the Court does not

Court may award reasonable compensation to the person aggrieved. However, the section will not apply if the "trespasser" acted under a fair and reasonable supposition that he had a right to do the act complained of (C.J.A. Act, 1914, s. 14), but to sustain a conviction there must be proof of some actual damage. See Stone, under title "Property."

The Justices should be satisfied that there was real damage and a wilful act for the purpose of committing damage.

For trespass on railway premises, see "Railways," Chap. 26.

A trespasser on premises may be removed, but he should first be requested to depart, and no more force than is necessary to remove him should be used. A person is entitled to protect himself and property against trespassers, but he will be liable criminally if he use* unnecessary violence.

Persons found in any premises or enclosed area for any unlawful purpose may be arrested and dealt with under *. 4, Vagrancy Act, 1824. See "Loiterers, etc.," Chap. 28.

Under s. 31 of the Offences against the Person Act, 1861, it is a misdemeanour to set any spring-gun, man-trap or other engine calculated to destroy human life or inflict grievous bodily harm upon a trespasser or other person coming into contact therewith,

so set, provided that this section does not make it illegal to set traps to destroy vermin or to set spring guns or other engines from sunset to sunrise in a dwelling-house for the protection thereof.

As regards commons and waste lands, the public have rights of access for air and exercise subject to any regulations affecting such land.

It is a summary offence (40s. fine) without lawful authority to draw or drive upon such land any carriage, cart, caravan or other vehicle or to camp or light any fire thereon or to fail to observe any conditions lawfully prescribed (Law of Property Act. 1925, s. 193).

See also t. 18. Road Traffic Act, 1960, as to the summary offence of driving a motor vehicle on land not part of a road ("Regulation of Traffic," Chap. 24).

PART IV. OFFENCES AFFECTING THE COMMUNITY IN GENERAL

Chapter XX

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Treason. Treason means treachery. It is a betraying or breach of faith and in law denotes the grave crime of treachery towards the Sovereign as head of the State or any betraying of the State itself. Blackstone terms it the highest civil crime which any man can possibly commit.

The Treason Acts declare certain offences to be treason : for example, compassing the death of the Sovereign, levying war against the Sovereign, adhering to the Sovereign's enemies.

Treason is a most serious crime, being directed against the security of the State, and is punishable on conviction by death. All persons concerned in any treason are regarded as principals.

Any knowledge and concealment of treason, even without any assent to it, is termed misprision of treason, and is a misdemeanour at common law. The procedure in treason cases is to be the same as in murder cases (Treason Act, 1945).

A person charged with treason shall not be admitted to bail except by order of a judge of the High Court or the Secretary of State (M.C. Act. 1952, s. 8).

Many acts directed against the safety or interests of the State are also punishable under the Official Secrets Acts. See " Official Secrets Acts."

Treason Felony Act, 1848 : Under this statute the following act* of treason may be prosecuted and dealt with as felonies (imprisonment for life).

(1) Compassing to deprive or depose the Sovereign from the style, honour and name of the Crown of the United Kingdom or of any other of his Dominions.

(2) Levying war against the Sovereign within the United Kingdom in order by force or constraint to compel her to change her measures or counsels, or to intimidate or overawe Parliament.

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Kingdom or any other part of the Sovereign's dominion!.

Every case of

treason must be reported to the Director of Public Prosecutions (see Appendix III).

Sedition. Sedition is a general term covering attempts to excite discontent or disaffection, disorder or tumult, or to

Sedition, being against the safety of the State, is a misdemeanour at common law.

Sedition consists of acts, writings or conduct which do not of the State, for if unchecked, sedition leads to disorder, and

It is a crime against society nearly allied to that of treason.

The offence of sedition is usually committed by writing or speaking words which may pervert the minds of the people and cause general disaffection or public disorder.

It will be for a jury to decide whether such writings or words are seditious.

A writing of a seditious nature is known as a seditious libel (see " Libel," Chap. 23). and the writer cannot plead the truth of his libel as an excuse for his publishing it.

A speaker at a meeting who has used seditious words may be indicted for his seditious speech, and the circumstances of the meeting itself may render the meeting an unlawful assembly.

Seditious conduct may be dealt with as conduct likely to lead to a breach of the peace, and those concerned may be bound over by the Court. See " Breach of the Peace and Sureties." Chap. 22.

An alien may be punished on indictment or summarily for any attempt to cause sedition or disaffection or to promote industrial unrest (Aliens Restriction (Amendment) Act, 1919, s. 3).

See Stone, under title " Sedition."

Any offence of sedition and seditious libel must be reported to the Director of Public Prosecutions (see Appendix III).

Drilling. Under the Unlawful Drilling Act, 1819, all meetings of persons for the purpose of training or drilling to the use of arms or for practising military movements without lawful authority are prohibited. Every person present at such meeting for the purpose of drilling and training others or who trains or drills others or assists therein, and every person present for the purpose of being drilled or trained or who is drilled or trained thereat is guilty of a misdemeanour.

Any such unlawful meeting may be dispersed by any Justice or by any constable and his assistants, and those present may be arrested and detained.

Under the Firearms Act, 1920, s. 16, a Secretary of State or

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any officer deputed by him for the purpose has power to authorise meetings and assemblies for the purpose of training or drilling as above mentioned. See also " Public Order Act, 1936," Chap. 22.

Official Secrets Acts. The Official Secrets Act, 1911 amended and supplemented by the Official Secrets Acts, 1920 and 1939, deals with spying and other practices prejudicial to the safety or interests of the State.

In the interests of the State certain premises and localities are declared to be " prohibited places," and the Acts aim at

A " prohibited place " includes any work of defence, camp, ship, aircraft, telegraph station, munition factory, etc., etc., belonging to or occupied by the Crown ; any place where munitions of war or documents relating thereto are made or kept on behalf of the Crown ; and any railway, road, canal, work of public character or place declared to be a prohibited place by order of the Secretary of State (1911 Act, *a.* 3).

Felony. For any purpose prejudicial to the safety or interest* of the State, to approach, inspect or enter any prohibited place, or to make any sketch, model or note likely to be of any use to an enemy, (including a potential enemy *R. v. ParroU* (1913)), or to obtain, record, or communicate to any other person any

which might be useful to an enemy. The prosecution may give

Misdemeanours. For any person in possession of information of a secret official nature, or relating to a prohibited place, or obtained in contravention of the Act, or entrusted in confidence to him by a person holding office under Her Majesty, or procured by virtue of his office under Her Majesty, to communicate same to any unauthorised person, or to use same in any manner pre

retain same, or to unreasonably endanger the safety of same (1911 Act, s. 2).

A constable is a person who holds office under Her Majesty (*Lewis v. Cattle* (1938)). He is a public servant and an officer of the Crown (*Fisher v. Oldham Corporation* (1930)).

To communicate any information relating to munition* of war to any foreign power, or in any other manner prejudicial to the

municated to him in contravention of the Act (1911 Act, s. 2).

To knowingly harbour any person about to commit or who has

have regarding such person (1911 Act. s. 7, and 1920 Act).

For the purpose of gaining admission to a prohibited place or for any other purpose prejudicial to the safety or interests of the

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State, to use, without lawful authority, any official uniform, or to make any false declaration or application, or to forge any pass or other official document, or to personate any official, or to use or have without authority any genuine or counterfeit official die, seal or stamp (1920 Act, s. 1).

Without lawful authority, to retain for any purpose prejudicial to the safety or interests of the State, any official document, or to

Without lawful authority, to communicate to any other person in possession official information issued for the use of some person other than himself (1920 Act, s. 1).

otherwise, to neglect or fail to restore it to the person for whose use it was issued, or to a police constable (1920 Act s. 1).

To interfere in any way with a police officer or any member of her Majesty's Forces engaged on guard or other duty in relation to any prohibited place (1920 Act, s. 3).

authorised by a Secretary of State or so acting in a case of great emergency, any information in one's power relating to an offence

at such reasonable time and place as may be specified to furnish

Any attempt, aid, incitement, etc., to an offence under the Acts will be as punishable as the offence concerned (1920 Act, s. 7).

Summary Offences. A Secretary of State, by warrant, may require any person who owns or controls any cable or wireless telegraphic apparatus to produce any or all telegrams received or sent by him. Failure to do so is punishable summarily (1920

Every person who carries on the business of receiving for reward, letters, telegrams or other postal packets for delivery or forwarding to the persons for whom they are intended (known as an "accommodation address"), must be registered with the Chief Officer of Police of the district, and must keep a book in which he must record :

(1) The name and address of every person for whom any postal packet is received or who has requested that postal packets received may be sent to him ;

(2) Any instructions as to the sending of postal packets ;

(3) The place of sending, the date of posting (as per post mark) and the date of receipt of every postal packet received, also the name of sender if given thereon, and the registration particulars if it is registered ;

(4) The date of delivery and name and address of the person to whom any postal packet is delivered ;

(5) If a postal packet is forwarded, the date and name and address of person to whom it is forwarded.

He must not deliver a letter to any person until that person has signed a receipt for same in this book, nor must he give the letter to any other person or send it on to any other address, unless he has received written instructions to that effect signed by the addressee.

This book and all postal packets and instructions regarding same must be kept at all reasonable times open to inspection by any police constable. Any contravention of the above rules or false information given or false entry made is an offence and is punishable summarily (1920 Act, s. 5).

Power of Arrest. Any person found committing, or reasonably suspected of having committed or having attempted to commit or being about to commit an offence under the Act, may be arrested without warrant (1911 Act, s. 6).

Power of Search. On reasonable grounds a Justice may grant a search warrant authorising any constable named therein to enter at any time any premises or place named, and to search same and every person found therein, and to seize any document or thing found in connection with which there is reasonable ground for suspecting that an offence under the Act has been or is about to be committed.

In a case of great emergency necessitating immediate action in the interests of the State, a superintendent of police can, by a written order, give any constable the like authority as may be given by a Justice's search warrant (1911 Act, s. 9). See Chap. 5.

Prosecution. Any person charged with any offence under these Acts may be arrested, or a warrant for his arrest may be issued and executed, and such person may be remanded in custody or on bail, but no further proceedings or prosecution may be taken without the consent of the Attorney-General (1911 Act, s. 8).

Any offence under these Acts must be reported to the Director of Public Prosecutions (see Appendix III).

During trial the court may be cleared. See "Open Court," Chap. 4.

Piracy is robbery on the sea, and is the taking of a ship or any of its contents on the high seas from the control of those lawfully entitled, and taking it away without any authority. It is a felony at common law and under the Piracy Acts, and if accompanied by violence it is punishable with death and therefore every such case must be reported to the Director of Public Prosecutions (see Appendix III).

Foreign Enlistment Act, 1870. This statute is intended to prevent British subjects from assisting any foreign State at war with a friendly State. It is a misdemeanour for any British subject, without licence, to enlist in the service of, or to recruit

for, or to leave this country with intent to enlist in the service of, or to convey illegally enlisted persons to. any foreign State at war with another State at peace with this country. It is also a misdemeanour to build, equip or despatch a vessel knowing same is to be employed in the service of such a State, or to prepare, without licence, any military or naval expedition against any friendly State.

Blasphemy is the use of language (spoken or written) having a tendency to vilify the Christian religion or the Bible. The offence lies in the attacking of Christianity in an indecent manner, with intent to bring religion into contempt, corrupt public morals and shock or insult believers. It is a misdemeanour at common law. See Stone, under title " Blasphemy."

Disturbing Public Worship. Any wilful and malicious or contemptuous disturbance of persons assembled for religious worship, or any interference with the person officiating or any of those there assembled is punishable by fine at Quarter Sessions (Places of Religious Worship Act. 1812, s. 12, and Religious Disabilities Act, 1846).

Riotous, violent or indecent behaviour (known as " brawling ") in any place of religious worship at any time or in any churchyard or burial ground is a summary offence, and the offender may be arrested by a constable or churchwarden (Ecclesiastical Courts Jurisdiction Act, 1860, ss. 2 and 3). See also " Clergymen," Chap. 29, and Stone, under title " Church."

Bigamy. Bigamy is the crime committed by a person who being legally married goes through a lawful form of marriage with another person during the life of the former husband or wife.

This second " marriage " is void, and the crime lies in the profanation of the solemn ceremony of marriage, such profanation being regarded as an outrage on public decency. Bigamy is a felony by statute and is triable at Quarter Sessions.

married shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in England or Ireland or elsewhere, shall be guilty of felony.

This section does not apply (and no offence is committed) in the case of a second marriage contracted :

- (1) Outside England and Ireland by a person who is not a subject of Her Majesty's, or
- (2) By a person divorced (decree having been made absolute) from his or her wife or husband, or
- (3) By a person whose former marriage has been declared void by a Court of competent jurisdiction, or

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(4) By a person whose husband or wife has been continuously absent for seven years then last past and was not known by such person to be living within that time. Having regard to the above description of the felony, it will be necessary that the prosecution should prove the following in a sjaso of bigamy :

(1) The first marriage and that it was a valid marriage. This is usually proved by a certified copy from the marriage register. An admission of the marriage by the accused is not sufficient. It must be proved that the marriage was a valid or binding marriage, and if after this has been proved, the accused asserts that it was not valid (if it is invalid the second marriage is not bigamous) the onus of proof that it is invalid rests on him.

(2) The identity of the parties, viz. that they are the person* mentioned in the marriage certificates produced. The best proof will be the evidence of persons present at the marriages.

(3) The second marriage ceremony.

This can usually be proved by a certified copy of the marriage register. It must be proved that this second ceremony was a lawful ceremony of marriage. It is immaterial whether the ceremony took place in England or abroad so long as it is legal according to the law of the place where celebrated. It is no defence to show that this second marriage was invalid or void by law.

(4) That the first husband or wife was alive when the second marriage took place.

This can be proved by the production of the first husband or wife, or by evidence that he or she was alive at the time.

(5) If the first husband or wife had been absent for seven years then past, the prosecution should prove that the accused **knew** he or she was alive at the time. If this cannot be proved the accused may be acquitted under section 57 a* above.

However, *bona fide* belief on reasonable grounds that the wife (or husband) is dead even within 7 years is a good defence (*R. v. Tolson* (1889)).

The second " husband " or " wife " can give evidence, as he or she is not legally the husband or wife of the accused. The real husband or wife of the accused may be called as a witness for the prosecution or for the defence and without the consent of the accused, but he or she cannot be compelled to give evidence. (Criminal Justice Administration Act, 1914,

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Contempt of Court. Contempt of court is of two kinds, civil court in civil proceedings. Criminal contempt is a misdemeanour at common law and may be committed by disorderly behaviour in court after the witnesses have been ordered to leave, by obstructing or interfering with the course of justice or lawful process of the courts, by intimidation of the jurors, parties or witnesses and by publication of comments or information likely to prejudice the hearing of a case.

Administration of Justice Act, 1960, s. 11. A person shall not be guilty of contempt of court by publishing any matter calculated

distributing such a publication if at the time of distribution (having taken all reasonable care) he did not know that it contained such matter and had no reason to suspect that it was likely to do so. The proof of any fact tending to establish a defence

of court shall lie upon that person.

Criminal Justice Act, 1925, s. 41. It is a summary offence to take any photograph in any Court of Justice or to make any sketch in any Court for publication of a judge, recorder, registrar, justice or coroner, a juror, a witness, or a party to any proceedings before the Court, or to publish any such photograph or sketch. This

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protection covers the persons named while in or entering or leaving a Court-room or the premises in which a Court is held.

For press reports as to Juvenile Courts, etc., see "Treatment of Youthful Offenders," Chap. 12.

Justices have no power to commit persons summarily for contempt, but higher Courts may deal summarily with such cases. Proceedings may be taken by indictment triable at Assizes or by criminal information in the Queen's Bench Division.

A Magistrates' Court may order a person to find sureties for his good behaviour if his conduct in Court is disrespectful or unmannerly, obstructive or insulting, or likely to lead to a breach of the peace. If such person fails to give the required surety he may be committed to prison in default of giving surety.

Usually Justices will direct such an offender to be removed from the Court.

Escape. It is a misdemeanour at common law for a prisoner, whether innocent or guilty, to escape without the use of force from lawful custody on a criminal charge.

If a prisoner escapes by force the offence is felony if he was in custody on a charge of treason or felony, and it is misdemeanour if he had been in custody on a minor charge.

If a prisoner makes a voluntary escape by consent or connivance of his custodian, the custodian will be deemed guilty of the same kind of offence for which the prisoner was in custody.

Any constable or other person who has a prisoner lawfully in his custody and who negligently suffers him to go at large commit* a misdemeanour at common law.

Every person is bound to hold a lawful prisoner and to deliver him up to the proper authority. If a prisoner escapes and is not briskly pursued and taken again before he has been lost sight of, the escape will be considered a "negligent" escape.

To aid a prisoner in custody for treason or felony to make his escape from prison or from the officer conveying him under warrant to prison is a felony (Prison Escape Act, 1742). For "Rescue," see below.

state that any person required or authorised by or under the Acts to be taken to any place or to be kept in custody, shall, while being so taken or kept, be deemed to be in legal custody, and 8. 49, Prison Act, 1952 authorises arrest without warrant of certain persons unlawfully at large. See Chap. 3.

Prison Breach is escape by force from a lawful imprisonment by means of some actual breaking of the prison or place of custody, and is felony or misdemeanour according to the offence for which the person was in prison. Under s. 39 of the Prison Act, 1952, it is a felony for any person to aid a prisoner in escaping or attempting to escape from any prison. An unsuccessful attempt to break out of prison or any conspiracy to effect prison breach is a misdemeanour at common law.

from a prison, borstal institution, detention centre, remand centre; or who, having been sentenced in any part of the United Kingdom, Channel Islands or Isle of Man to imprisonment, corrective training, preventive detention, borstal training or detention in a detention centre is unlawfully at large. Assisting any such person

custody is also an offence. (C.J. Act, 1961, s. 22). This has been extended to apply to escapees from Naval, Military and Air Force Establishments by S.I. 1962 No. 1242 and S.I. 1961 Nos. 2395 and 2397.

Rescue. Rescue is the forcible liberation of a prisoner from

The offence is treason, felony or misdemeanour, according to the offence of the person rescued, but if the person rescued is not convicted of his original offence, the rescue is a misdemeanour.

For attempted rescue and assaulting the police, see "Assault," Chap. 8, and as regards the prisoner, see "Escape."

Under the County Courts Act, 1959, the rescue or attempted rescue of goods seized under process of a County Court is a summary offence and a Court bailiff may arrest the offender and bring

Court acting in the execution of his duty is also a summary offence and a Court bailiff may arrest the offender and bring him before the Judge (s. 30).

Pound Breach, or the forcible rescue of cattle by breach of the at common law.

To release or attempt to rescue or release any cattle impounded under the Highway Act before the same shall have been legally discharged, or to damage the pound, is a summary offence (Highways Act, 1959, s. 135; Town Police Clauses Act, 1847, s. 26).

Under the Pound Breach Act, 1843, it is a summary offence to release or attempt to release any cattle or other beasts lawfully seized for the purpose of being impounded or on the way to or from the pound, or to in any way damage the pound. See "Impounding Animals," Chap. 24.

Perjury. Perjury is a misdemeanour at common law and also by statute. It was made an offence because the taking of a wilful false oath in a Court of law is an abuse of public justice.

(1) *Perjury.* Perjury is the crime committed by a person lawfully sworn as a witness or interpreter in a judicial proceeding who wilfully makes a statement material in that

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proceeding which he knows to be false or does not believe to be true (1911 Act. *a. 1*).

" Lawfully sworn " includes affirmation and declaration *a»* well as any oath administered without objection by the person

" Judicial proceeding " includes a proceeding before any Court, tribunal or person having by law power to hear, receive and examine evidence on oath.

" Material statement " is one such as might affect the decision of the Court, tribunal or person, and the Judge at the trial will decide whether the statement is or is not material

It must be clear that the perjury was deliberate and wilful, not merely carelessness or mistake.

(2) *False Statements on Oath not in Judicial Proceedings.* If a person is authorised or required by law to make any statement on oath for any purpose and is lawfully sworn otherwise than in a judicial proceeding, and he wilfully makes a statement which is material for that purpose and which he knows to be false or does not believe to be true. M.

If a person wilfully uses any false affidavit for the purposes of the Bills of Sale Act, 1878. M. (1911 Act, s. 2.)

(3) *False Statements.* It is a misdemeanour to wilfully and falsely make statements :

(a) As to marriage, such as false oaths, declarations, notices, certificates, particulars required, representations, etc. (1911 Act, s. 3).

Such offences may be dealt with summarily within twelve months (Criminal Justice Act, 1925, s. 28).

(6) As to births or deaths, such as false particulars, certificates, declarations, etc. (1911 Act, s. 4), and such offences may be dealt with summarily and within twelve months (Criminal Justice Act, 1925, s. 28).

(c) To obtain registration on, or a certificate of registration from, any register kept by law of persons qualified by law to practise any vocation or calling (1911 Act, s. 6).

(For example, medical, dental, pharmaceutical, etc.,

(4) *False Declarations not on Oath.* It is a misdemeanour to knowingly and wilfully make otherwise than on oath a statement false in a material particular in :

(a) A statutory declaration, or

(6) Any account, certificate, report or other document authorised or required by any Act of Parliament, or

(c) Any oral declaration or answer required under any Act of Parliament (1911 Act, s. 5). False statements in statutory declarations may be punished summarily on consent of accused to trial (M.C. Act, 1952, s. 19 and 1st Sched.).

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(5) *Subornation of Perjury.* This is the common law misdemeanour of procuring another to commit perjury. It is a misdemeanour to aid, abet, counsel, procure, incite or attempt to procure another person to commit an offence against the

Corroboration is necessary to ensure a conviction for any offence against this Act, as the evidence of one witness alone as to the falsity of the statement will not be regarded as sufficient (1911 Act, s. 13). One witness together with proof of other material and relevant facts substantially confirming his testimony will meet the requirements as without corroboration it would be merely one oath against another. See "Corroboration," Chap. 7. A Judge or person presiding over a Court, or a Justice sitting in special sessions, or a Sheriff dealing with a writ of inquiry or trial, if of opinion that a witness in the proceedings before him has been guilty of perjury, may order the prosecution of that witness for such perjury, and may commit him for trial (1911 Acts, ss. 9 and 10).

False statements in company documents. It is a misdemeanour for any person to knowingly and wilfully make a statement, false in any material particular, in any balance sheet, report or other document required for the purposes of several sections of the Act, as specified in the 15th Schedule, and the offence may be dealt with summarily (Companies Act, 1948, s. 438).

False statements in declarations, certificates or writings made to be used as evidence of the service of any document or the handwriting or seal of any person is punishable summarily by imprisonment up to 6 months or fine up to £100 or both (M.C. Act, 1952, s. 82).

Bribery is the offering to or the receiving by any person of any undue reward in order to incline him to do or to reward him for doing a thing contrary to the rules of honesty and integrity.

At Common Law the bribery of any person who has a duty to do anything in which the public are interested, particularly the administration of justice, is a misdemeanour, and statute law also makes certain forms of bribery misdemeanour.

In the offence of bribery the giver and the receiver are equally guilty, and an unsuccessful attempt to bribe is also an offence. Public Bodies Corrupt Practices Act, 1889, s. 1, makes it a misdemeanour for any person to corruptly solicit, receive or agree to receive for himself or for any other person, or to promise, give or offer to any person, any gift, loan, reward or advantage whatever, as an inducement to or reward for or otherwise on account of. any member, officer or servant of a public body (such as a county, city or town council, board, etc.) doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which said public body is concerned. Thus any bribery and corruption in connection with the members

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and servants of public bodies is a misdemeanour by statute, but by section 4 no prosecution under the Act may be instituted without the consent of the Attorney-General.

Prevention of Corruption Act, 1906 : This statute deals with the corruption of and by any agent or person employed by or acting for another, and makes the following offences misdemeanours triable on indictment or summarily :

(1) For any agent to corruptly accept, obtain or agree to accept, or to attempt to obtain from any person for himself or for any other person, any gift or consideration, as an inducement or reward for doing or not doing any act in relation to his principal's affairs or business, or for showing or not showing favour or disfavour to any person in relation to his principal's affairs or business ;

(2) For any person to corruptly offer, give or agree to give any gift or consideration to any agent for like reason ;

(3) For any person to knowingly give to any agent, or for any agent to knowingly use with intent to deceive his principal, any receipt, account or document which is false or incorrect in any material particular and which to his knowledge is intended to mislead the principal.

A person serving under the Crown or under any corporation, borough, county or district council is an agent under this Act. So also is a police constable.

The consent of the Attorney-General is necessary before a prosecution may be instituted, the information must be on oath and Quarter Sessions cannot deal with the case.

Prevention of Corruption Act, 1916. declares that when money or other consideration is paid, given to or received by a person in the employment of the Crown or of a public body, by or from a person holding or seeking to obtain a contract from the Crown or public body, such money or consideration shall be deemed to have been given or received corruptly unless the contrary is proved.

This statute extends the expression " public body " (1889 Act, s. 1) to include local and public authorities of all descriptions, and states that a person serving under any such body is an agent within the meaning of the Prevention of Corruption Act, 1906.

must be reported to the Director of Public Prosecutions (see Appendix III).

As regards bribery and other corrupt practices at elections, see " Election Offences." below.

Licensing Act, 1953, s. 142, it is a summary offence for any holder of a Justice's licence to bribe or attempt to bribe any constable. See " Conduct of Licensed Premises," Chap. 38.

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Extortion. It is a misdemeanour at common law for any public officer to extort or unlawfully take, by virtue of his official position, any money or thing of value that is not due to him or more than *ia* due, or before it is due.

Misconduct by Public Officers. Generally speaking, any misconduct by an officer of justice, either by wrong-doing or by culpable neglect, is a common law misdemeanour.

For stealing or embezzlement by a public officer, see Chap. 14.

County Police Act, 1839, s. 12, Metropolitan Police Act, 1839, s. 14, and Municipal Corporations Act, 1882, s. 194, declare that any county, metropolitan or county borough constable who is guilty of any neglect of duty is liable on summary conviction to fine or imprisonment.

The Crown Proceedings Act 1947 gives the right to sue the Crown (authorised departments or the Attorney General, s.17) by civil proceedings in accordance with the provisions of the Act.

Election Offences. The Representation of the People Act, 1949, deals with parliamentary and local government elections. The franchise is the right to vote and in polling (voting) votes are given by secret ballot.

Personation is the voting as some other person living or dead or fictitious and application for or the marking of a ballot paper shall be deemed to be voting. It is a corrupt practice (s. 47). It is a felony and aiding, abetting, counselling or procuring it is also a felony. Two witnesses are necessary to prove it (s. 146).

practices and any tampering with, destruction, stealing of, etc., of ballot papers or nomination papers are offences (s. 52). Breaches of the secrecy of voting will be summary offences (s. 53).

Bribery. That is directly or indirectly using any consideration of value to induce a voter to vote or refrain from voting is a corrupt practice (s. 99).

Treating is the providing or accepting any meat, drink, entertainment or provision for corruptly influencing any person to vote or refrain from voting and is a corrupt practice (s. 100).

Undue Influence is the using or threatening to use any force, restraint or threats against any person to make him vote or refrain from voting or impeding or preventing the free exercise of the franchise. It is a corrupt practice (s. 101). A corrupt practice is punishable on indictment or summarily (s. 146). An illegal practice is punishable summarily (s. 147). It will be the duty of the Director of Public Prosecutions to inquire into any allegations of corrupt or illegal practices and to institute such prosecutions as he may consider necessary (s. 159).

It will be an illegal practice for any person to act or incite others to act in a disorderly manner for the purpose of preventing the

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transaction of the business at a political meeting held between the dates of the issue of and the return to a writ for a parliamentary election in the constituency or at a meeting in the electoral area for a local government election held on or within three weeks before the day of election.

If any constable reasonably suspects any person of committing this offence, he may, if so requested by the chairman of the meeting, require that person to give him his name and address. If such person refuses or fails to do so or gives a false name and address, he will be liable on summary conviction to fine up to 40s. If he refuses his name and address or if the constable reasonably suspects him of giving a false name and address, the constable may without warrant arrest him (s. 84). No member of a police force shall in any manner try to persuade any person to give or not to give his vote in any constituency or electoral area wholly or partly within the police area. Penalty on summary conviction, fine up to £100.

If such illegal canvassing is committed by a member of a county police force in reference to the election of a borough councillor, he shall forfeit £10, half to the person who sues for it within 6 months and half to the Treasurer of the county (s. 87).

Second Schedule to the Act. A constable shall not be admitted to vote in person elsewhere than at his own political station, except on production and surrender of a certificate as to his employment signed by the prescribed officer of police or by the returning officer (Para. 33).

If a person misconducts himself in a polling station or fails to obey the presiding officer he may be removed by order of the presiding officer by a constable and such person, if charged with the commission of an offence in the polling station, may be dealt with as a person arrested by a constable, without a warrant, for an offence (Para. 34).

If a person applies in a polling station for a ballot paper and the candidate or his election or polling agent declares to the presiding officer that he has reasonable cause to believe that such person has committed personation and undertakes to substantiate the charge in a court of law, the presiding officer may order a constable to arrest him and he shall be dealt with as a person arrested without warrant for an offence (Para. 37). The Act was followed by the Representation of the People Regs. 1950, 1954.

Public Mischief. *R. v. Manley* (1933) decided that a person causing police officers to waste their time by giving them false information had committed the common law misdemeanour of public mischief; but in *R. v. Newland* (1953) the above decision was criticised by the Court of Criminal Appeal. The right approach to easel of public mischief is to regard them as part of the law of conspiracy and to hold the actions of an individual not

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committed in conjunction with others as indictable only if they constitute what has been held in the past to be a common law or statutory offence. However, in *Joshua v. R.* (1955) The Judicial Committee of the Privy Council declined to decide whether, apart from cases of conspiracy, there was any common law offence of effecting a public mischief.

Justices have a general power to bind over to be of good behaviour for any act of misbehaviour. See "Surety for Good Behaviour," Chap. 22.

Obstructing Public Justice. Any conspiracy to obstruct prevent, pervert or defeat the course of public justice or falsely to accuse of any crime is a misdemeanour.

It is not necessary that proceedings should have already commenced at the time when the conspiracy to conceal or to prevent proceedings takes place. Public justice requires that every crime should be suitably dealt with (*R. v. Shatpe and Stringer*, (1938)).

See also "Accessories," "Compounding Offences," "Compounding a Felony," Chap. 2. and "Conspiracy," Chap. 23.

NOTE. Any offence of public mischief or of conspiracy to pervert or defeat the course of justice must be reported to the Director of Public Prosecutions (see Appendix III).

Chapter XXII

PUBLIC ORDER

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Breach of the Peace and Sureties. The "Queen's Peace" or shortly "the peace" is the normal state of society, and any interruption of that peace and good order which ought to prevail in a civilised country is a breach of the peace. Breaches of the peace may be serious, affecting large numbers of people, such as riots; they may involve comparatively few persons, such as affrays; and they may consist of acts of violence confined to two or more persons, such as assaults.

For offensive conduct in a public place or at a public meeting which is likely to cause a breach of the peace, a constable can arrest without warrant. See "Public Order Act, 1936," later.

The Justices are empowered to take measures to prevent any apprehended or likely breach of the peace, and may, on evidence produced before them, order a person to enter into a recognizance and find sureties either to keep the peace or to be of good

The process is termed "binding over" to keep the peace or to be of good behaviour. Upon complaint by any person a Magistrates' Court may hear the complainant and defendant and their witnesses and may make an order adjudging the defendant to enter into a recognizance, with or without sureties, to keep the peace or to be of good behaviour towards the complainant. If he fails to comply with the order the Court may commit him to custody for up to six months or until he sooner complies with the order (M.C. Act, 1952. s. 91).

For breach of such an order, forfeiture of the recognizances may be ordered. See "Recognizance," Chap. 5.

Where a magistrates' court has committed a person to custody in default of finding sureties ordered on complaint of another person, the committed person or his representative by complaint against that other person, may apply to the Court which, on fresh evidence, may reduce the amount of any surety or dispense with them or otherwise deal with the case as it thinks just. (M.C. Act, 1952, s. 94 and Rules r. 66.)

Before binding over a person, the Court should hear evidence from both sides. Even if no application that a person be bound over is made, the Court may, if it thinks fit, bind over that person.

but it may be added to a punishment for a definite offence, as, in a case of assault, allowed by C.J. Act, 1925, s. 39.

Surety of the Peace. Persons engaged in committing a breach of the peace may be arrested by a constable and ordered by the Justices to give surety of the peace. If a person has just cause to fear that another will do him or his family some bodily harm

against him.

Threats of violence or threats to injure or procure others to injure the complainant will justify binding over to keep the peace.

An applicant should satisfy the Court that he is actually under fear and that he has cause to be so.

If the parties are before the Court on another charge, the Court, if satisfied that there is a fear of future danger, may exercise their power of binding over.

Surety for Good Behaviour. This surety is more comprehensive than the peace, and a person who is bound over to be of good behaviour

All disturbers of the peace may be bound over to be of good behaviour, and it need not be proved or even suggested that any

"all them that be not of good fame." When a person is bound

Quarter Sessions. (Magistrates Courts (Appeals from Binding over orders) Act, 1956).

Generally speaking, the Court can bind over to be of good behaviour for any act of misbehaviour, but Justices may not exercise this power for rash, unmannerly or quarrelsome words, unless they tend to a breach of the peace or to scandalise the Government.

This power to bind over to be of good behaviour is limited only by the discretion of the Court. It is not confined to breach of the peace. It is preventive justice to prevent a person doing something against the law. (See *R. v. Sandbach, ex parte Williams* (1935)).

Affray. An affray is a public offence to the terror of the Queen's subjects such as the fighting of two or more persons in some

public place to the terror of the people. It is a misdemeanour at common law.

If the fighting occurs in some private place it is an assault and not an affray. An affray differs from a riot in that an affray is not premeditated and in that it requires three or more persons to constitute a riot, whereas two persons can make an affray.

If two persons fight in a street or public place, but not to the terror of the people, it is not an affray, but such conduct may be dealt with as an assault or breach of the peace.

A constable should quell an affray which happens in his presence. He may arrest the offenders without warrant and bring them before a Justice, who may commit them for trial for the misdemeanour or bind them over to keep the peace. See Chap. 3.

Unlawful Assembly. An assembly of persons is unlawful at Common Law when it is composed of three or more persons who have met together to carry into effect some illegal purpose or who have met in such numbers or under such circumstances as to endanger the public peace or cause alarm and apprehension to Her Majesty's subjects. An unlawful assembly, therefore, would be any gathering of three or more persons for any unlawful purpose or with intent to carry out any common purpose in such a manner as is likely to endanger the peace, as shown by the large numbers assembled or by the circumstances of the assembly.

Any meeting of numbers of people with such circumstances of terror as cannot but endanger the peace and cause alarm among the Queen's subjects is an unlawful assembly.

All persons who join an unlawful assembly and all who give support to it are liable to prosecution for misdemeanour at common law. It does not matter whether the object of the meeting be lawful or unlawful, for, if the circumstances accompanying it (e.g. great numbers, etc.) are, in the opinion of firm and rational men, likely to endanger the peace, the meeting will be an unlawful assembly.

It is the duty of the police to disperse and put an end to an unlawful assembly, arresting the ringleaders and persons who offer resistance either on the spot if it is possible and advisable, or subsequently by warrant. As an alternative, proceedings may subsequently be taken against individuals by summons for any assaults, obstruction, etc., that may have taken place. An unchecked unlawful assembly may end in a riot.

Riot. A riot is a tumultuous disturbance of the peace by three persons or more, assembling together of their own authority, with an intent mutually to assist one another against anyone who shall oppose them in the execution of some enterprise of a private nature, and afterwards actually executing the same in a violent and turbulent manner, to the terror of the people, whether the act intended were of itself lawful or unlawful (Archbold).

The assembly becomes a riot when those assembled begin to

execute their enterprise by a breach of the peace to the terror of the public.

If a number of people meet together and suddenly quarrel and fight amongst themselves it is an affray (see " Affray "), not a riot ; but if they divide into parties and the parties fight together, each party with a common purpose, it is a riot.

Riot is a misdemeanour at common law, and all persons encouraging, promoting or taking part are liable.

A rout is where three or more assemble with a common purpose to do an unlawful act and make some advances towards doing it. A rout is the step just previous to a riot. Rout is a misdemeanour at common law.

It is the duty of the police to suppress a riot, using force if necessary, and they have authority to call on all other subjects of the Queen to assist them in so doing. It is the duty of every citizen to assist in suppressing a riot.

It is a misdemeanour at common law for a person to refuse to assist a constable in the execution of his duty when duly called on to do so and the person is capable of so doing and has no lawful excuse for refusing.

Any two Justices may order all licensed premises to remain closed during any time they may appoint, in or near the place where any riot or tumult happens or is expected to happen (Licensing Act, 1953, s. 158).

When twelve or more persons are riotously and unlawfully assembled to the disturbance of the public peace, and when they are required, by proclamation read by a Magistrate, Sheriff, Sub-

riotously continue together for the space of one hour they will be guilty of felony and may be arrested by any Justice, Sheriff, Mayor, or Peace Officer or other person commanded by them (Riot Act, 1714, s. 3).

The proclamation to disperse should be in these words : " Our Sovereign Lady the Queen chargeth and commandeth all persons, being assembled, immediately to disperse themselves and peaceably to depart to their habitations or to their lawful business, upon the pains contained in the Act made in the first year of King George, for preventing tumults and riotous assemblies. God Save the Queen." The person reading this proclamation must command silence and must read the whole proclamation. All members of the tumultuous assembly who then remain together after the hour expires may be arrested, proceeded against

The reading of this proclamation is termed " reading the Riot Act." Its effect is to make the parties felons, but if the assembly is riotous the parties are guilty of riot at common law and may be dispersed at once, if possible, without reading the Riot Act.

It is felony to oppose or hinder the reading of the Riot Act so that it is not read, and persons who, knowing of such prevention.

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remain together to the number of twelve or more for more than an hour thereafter are also guilty of felony. (Riot Act, 1714.

Riot damage. If persons riotously and tumultuously assembled to the disturbance of the peace demolish or destroy any house, building, or mine works they are guilty of felony, and if they injure or damage any such building they are guilty of misdemeanor (Malicious Damage Act, 1861, ss. 11 and 12).

premises has been damaged or the property therein injured,

Police Authority in accordance with the Secretary of State's Regulations dated 1 Oct. 1921, which also apply in the case of rioters plundering a wreck.

Forcible Entry and Detainer. Forcible entry is the taking possession of lands or buildings by force and without the authority of the law. It is a misdemeanor by statute and at Common Law.

The offence lies in the use of violence, such as threats, force, large numbers of people, etc., and the fact that the offender had

Proceedings are by indictment, and charges of assault, etc., may also be made, if the circumstances justify same.

An entry without force may be a trespass. See Chap. 19.

Forcible detainer is the continuing to hold possession by force of lands or buildings which have been entered wrongfully.

This is a similar misdemeanor and will be committed by a person who, without any right to the property, forcibly keeps possession.

However, a trespasser may be removed from premises by the rightful owner provided that no more force is used than *it* necessary for his removal and that his goods are removed with

Labour Disputes. Any combination of workmen for the purpose of securing a rise in wages or an alteration in their conditions of employment was at one time illegal. In 1825 the

unions were made lawful.

Act exempted trade unions from liability to the law as regards conspiracy (see "Conspiracy") by enacting that an agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute should not be indictable as a conspiracy, if such act, when committed by one person, would not be punishable as a crime.

person guilty of a conspiracy for which a punishment is directed by any Act of Parliament, and it does not affect the law relating

to riot, unlawful assembly, breach of the peace, or sedition, 01

In 1916 the Trade Disputes Act further declared that an act done in pursuance of an agreement or combination by two or more persons should, if done in contemplation or furtherance if done singly.

Intimidation. Conspiracy and Protection of Property Act, 1875, s. 7. Every person commits a summary offence, but may

other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority :

(1) uses violence to or intimidates such other person or his

(2) persistently follows such other person about from place to place, or

(3) hides any tools, clothing or other property owned or used by such other person, or deprives him of or hinders him in the use thereof, or

(4) follows such other person with two or more other persons in a disorderly manner in or through any street or road, or

(5) watches or besets the house or place where such other person resides or works or carries on business or happens to be, or the approach to such house or place.

However, the Trade Disputes Act, 1906, s. 2, made it lawful for one or more persons, in contemplation or furtherance of a strike, to do any of the following things, namely, to picket, to reside or works or carries on business or happens to be, merely formation, or of peacefully persuading any person to work or abstain from working. This is known as " peaceful picketing."

Breaking Contract of Service. Conspiracy and Protection of Property Act, 1875, ss. 4 and 5 : It is a summary offence for any person employed in the supply of gas or water to wilfully and maliciously break his contract of service knowing that the

a contract of service or hiring knowing that the probable conse-

See Stone, under title " Labour Laws."

Public Order Act, 1936. This Act deals with political uni-

Under the Act, " meeting " means a meeting held for the purpose of discussion of matters of public interest or for the expression of views thereon. " Public meeting " includes any meeting in a public place and any meeting which the public or any section thereof are permitted to attend, whether on payment or otherwise.

" Public procession " means a procession in a public place.

" Public place " means any highway, public park or garden, any sea beach, and any public bridge, road, lane footway, square, court, alley or passage whether a thoroughfare or not ; and includes any open space to which, for the time being, the public have or are permitted to have access, whether on payment or otherwise (s. 9).

Excepting the offences under sections 2 and 6, an offence under the Act is punishable summarily by imprisonment not exceeding three months or (and) £50 fine (a. 7).

Political uniforms. S. 1. It will be a summary offence for any person to wear uniform signifying his association with any political organisation or with the promotion of any political object, in any public place or at any public meeting, unless such wearing has been permitted on special occasion by the Chief Officer of Police, by order made with the consent of the Secretary of State (s. 1). A constable may arrest without warrant any person reasonably suspected to be committing this offence (s. 7). A Court may remand in custody for eight days only or on bail, but no further proceedings shall be taken without the consent of the Attorney-General (s. 1).

Quasi-military organisations. S. 2. It will be an offence (punishable summarily or on indictment : s. 7) for any person to take part in the control or management or in the organising or

(1) organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or armed forces of the Crown, or

(2) organised and trained or organised and equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object or in such manner as to arouse reasonable apprehension that they are organised and either trained or equipped for that purpose.

A prosecution shall not be instituted without the consent of the Attorney-General.

The High Court, on application by the Attorney-General, has power to deal with the property of any such association. A Judge of the High Court may grant a search warrant to enter any place or premises within one month and search the place or premises and persons therein (women to be searched by a woman) and seize anything found which is reasonably suspected to be evidence of this offence.

CHAPTER XXII. PUBLIC ORDER

ing, etc., shall be admissible as evidence of the purposes for which or the manner in which members, etc., of the association were organised or trained or equipped.

This section 2 shall not prohibit the employment, arrangements as stewards to assist in preserving order at any public meeting held upon private premises (8. 2), that is premises to which the public have access (on payment or otherwise) only by permission of the owner, occupier or lessee of the premises (s. 9). Nor does it prohibit their being furnished with badges or other distinguishing signs (s. 2).

to the time or place and the circumstances and to the route taken or proposed to be taken by any public procession, has reasonable ground for apprehending that the procession may occasion serious public disorder, he may give directions imposing upon the organisers or the processionists such conditions as may appear to him necessary for preserving public order, including prescribing the route and prohibiting entry of any public place specified.

Provided no conditions restricting display of flags, banners or

to prevent risk of a breach of the peace.

If he considers that under existing circumstances in a borough or urban district the above powers will not be sufficient to prevent serious public disorder arising from the holding of public proces-

to the Council of the Borough or District for an order prohibiting for a specified period (not exceeding three months) all public

Council, with the consent of the Secretary of State, may make such an order. The Commissioners of the City of London and of the Metropolis have the same power, as above given to Councils, in their police areas.

Any person who knowingly fails to comply with any directions

assists in organising any public procession held or intended to be held in contravention of such an order or incites any person to take part in same, will commit a summary offence.

Arranging the route etc. of an unlawful procession amounts to

person while present at any public meeting or on the occasion of any public procession, to have with him any offensive weapon, otherwise than in pursuance of lawful authority A person shall not be deemed to be acting in pursuance of lawful authority unless he is acting in his capacity as a servant of the Crown or of

M.F.L.

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either House of Parliament or of any local authority or as a

or cadet corps duly approved : s. 9) or as a member of a fire brigade or as a constable. A constable may without warrant arrest any person reasonably suspected to be committing this offence (*, 7). See also under " Robbery," Chap. 14.

Offensive. Conduit. S. i -It will be a summary offence for any person in any public place or at any public meeting to u«« threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned. A constable may without warrant arrest any person reasonably suspected to be committing this

also " Offensive Conduct" above, and " Election Offences," Chap. 21.

The following has been added to this Act by s. 6 of the Public Order Act. If a constable reasonably suspects any person of

chairman of the meeting require that person to give his name and address. If such person refuses or fails to do so or gives a false

If such person refuses or fails to give his name and address or if address, the constable may without warrant arrest him,

Meetings. There is no right to hold meetings in any public place, as such places are for people to pass along. Every unauthorised obstruction of the highway is illegal as being either an offence by some statute or byelaw or indictable as a common nuisance. Streets are for passage, and passage is superior to everything else, and nothing short of absolute necessity will justify a person in obstructing a highway. An obstruction is committed even if only part of the highway is obstructed. However, meetings may be permissible in certain public places in accordance with local custom, but usually not as of right.

When a meeting is held in a private place, those present, mission of the persons responsible for the meeting, and if requested to leave they should leave the premises. (See below as regards the police.)

passer and may be pat out by reasonably necessary force. If a breach of the peace. The chairman of such a meeting has

authority to regulate the proceedings. He may call on a disorderly person to keep quiet or else leave the meeting, and if

person. The stewards or agents of the promoters of the meeting may then use reasonably necessary force to eject the disturber, and if he resists and uses violence he will be liable for having committed a breach of the peace. See " Arrest," Chap. 3.

It has been held that the police are entitled to enter and remain on private premises (in this case it was a meeting in a hired hall and the public were invited to attend without charge for admission) when there are reasonable grounds for believing that an offence or a breach of the peace is likely to be committed thereon.

remain on private premises when he has reasonable ground for believing that an offence is imminent or is likely to be committed (*Thomas v. Sawkins* (1935)).

As regards meetings in streets it has been held that as it is the

likely result in a disturbance if held, a person attempting to hold the meeting and refusing to desist was rightly convicted of obstructing a police inspector in the execution of his duty (*Duncan v. Jones* (1936)).

Emergency Powers : The Emergency Powers Act, 1920, empowers the Sovereign to issue proclamations of emergency. This can be done if it appears that action has been taken or immediately threatened by persons and is of such a nature and on so extensive a scale as to be calculated, by interfering with the supply and distribution of food, water, fuel or light or with the means of locomotion, to deprive the community of the essentials of life.

No such proclamation shall be in force for more than one month without prejudice to the issue of another proclamation at or before the end of that period.

Regulations may be made for securing the essentials of life

Chapter XXIII

CONSPIRACY AND DEFAMATION

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Conspiracy. Conspiracy is the crime committed when two or more persons combine together to execute some act for the misdemeanour at common law.

The essence of the crime is the agreement of two or more persons to do some unlawful act or to do some lawful act by

been done in pursuance of the agreement. It is an offence of confederacy or combination. Unless a third person is charged with them, husband and wife cannot be jointly charged with the crime as the law regards them to be one. All the accused need not be brought to trial together ; one person may be prosecuted for conspiracy with others known or unknown. Everything

of their common purpose will lie evidence against the other conspirators.

There may be a conspiracy to defraud any person or persons, to injure an individual by some wrongful act or by blackmailing him, to commit some offence or some public mischief, etc.

come within the definition of false pretences as a conspiracy.

For conspiracy to murder, see Chap. 9.

See also " Labour Disputes " and " Intimidation," Chap. 22, and " Obstructing Public Justice," Chap. 21.

Libel. The offence termed libel consists in making public in some way a defamatory document concerning some person, class

hatred, contempt or ridicule. Libel is a misdemeanour when it

the peace and good order of the country.

The mere writing of a libel is not an offence, but the offence is committed when the libel is published, viz. communicated to some other person or persons by means of writing, printing, pictures, etc.

In criminal proceedings, communication of the libel to the injured person is sufficient, as it may provoke him to a breach

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unless accused can prove that the publication of it was for the

Criminal proceedings for libel are as a rule not undertaken unless some public interest is concerned, something affecting the State and the general administration and interest of the country.

Any offence of libel *re* persons occupying judicial or public offices must be reported to the Director of Public Prosecutions (see Appendix III).

publish any defamatory libel, and the punishment is greater should it be charged and proved that it was published, knowing it to be false.

Larceny Act, 1916, s. 31 : It is a misdemeanour to publish or

or to threaten to publish or propose to abstain from publishing or to offer to prevent the publishing of any matter or thing touching any other person, living or dead, with intent to extort. See "Threats and Menaces," Chap. 8.

If the intention of publication is to excite disaffection against the Sovereign, the Government, the administration of justice, or to incite to crime, disaffection, etc., the libel becomes a seditious libel. See "Sedition," Chap. 20.

If the writing blasphemes God or turns the Christian religion into contempt or ridicule, etc., the person responsible may be

A libel may be dealt with as an obscene libel, if the matter therein is obscene and likely to deprave and corrupt those into whose hands it might fall. See Appendix III.

A* regards the privilege extended to fair and accurate newspaper reports of proceedings in Courts or at public meetings and meetings of public bodies, and to departmental and police pub-

The Newspaper Libel and Registration Act, 1881, deals with summary court proceedings in respect of libels published in newspapers.

Slander is the utterance in words of defamatory matter, viz matter which directly or indirectly tends to expose any person, persons or system to hatred, contempt or ridicule. In the case of a kind of verbal libel and redress may be obtained by civil action for damage*.

Slander may be indictable if the words are seditious, blasphemous or obscene, or tend to provoke a breach of the peace.

The law as to libel, slander and other malicious falsehoods has been amended by the Defamation Act, 1952.

PART V. TRAFFIC LAW

Chapter XXIV

TRAFFIC

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Highways, Streets and Roads. " Highway " means a pass. The public have only the right to pass along the highway. A *cul-de-sac* or way closed at one end so that there is no thoroughfare may be a highway.

Highways are common to the public, and " highway," in the full sense, is a public road over which all the subjects of the realm have a right to pass and repass (Stephen's Commentaries).

" Street " for the purposes of the Public Health Act, 1875 (see s. 4), includes any highway, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not ; and the term is usually applied to a road with houses in a town or urban district ; it has a similar meaning in the Public Health Act, 1936.

A highway or street includes any footways or footpaths at the sides, and offences in relation to " highways " or " streets " may be committed on the footway as well in the carriage-way.

and they will be indicated separately.

The Road Transport Lighting Act, 1957, states that a " road," for the purposes of the Act, means any highway and any other road to which the public has access (s. 17).

This includes the private forecourt of a hotel to which the public have access habitually without let or hindrance (*Bugge v. Taylor* (1941)). But see also *Thomas v. Dando* (1951) where the forecourt was not habitually used by the public. A road generally

verge.

" Road," means any highway and any other road to which the (R.T. Act, 1960, s. 257). (The ' road ' includes the footway as well as the carriage way (*Bryant v. Marx*) (1932).)

Public highways and streets are maintained by the Local Authorities. The police deal with highway and street offences which affect the public and report to Local Authorities any interference with the highways and streets.

Generally speaking, any wrongful act or omission upon or near a highway which interferes with the public right to freely, safely and conveniently pass along the highway may be held to be a nuisance at common law, and therefore indictable and punishable.

A person who has sustained damage by reason of a nuisance may sue for damages and (or) an injunction to end the nuisance.

Obstruction. Members of the public have a right to pass along any public highway, and any interference with that right amounts to obstruction. Only absolute necessity will justify any obstruction of the highway.

Any unauthorised obstruction of the highway is a nuisance and indictable as a misdemeanour at common law. Several statutes provide penalties for various forms of obstruction, but if any particular form of obstruction is not expressly penalised by statute, the offender may be indicted for the nuisance. For example, a shopkeeper whose display in his windows collected large crowds, thereby obstructing the highway, has been convicted on indictment for nuisance.

Obstruction may be caused by :

(1) Persons who in any way wilfully obstruct the free passage of any highway or footway.

(2) Things which by their presence on the highway or footway interfere with the public right to pass along. The persons responsible are liable.

(3) Vehicles for which the driver or person in charge is liable. The law cases as to obstruction were reviewed in *Gill v. Carson* (1917), and the test is the unreasonable use of the highway. In *Solomon v. Durbridge* (1956) it was held that a motor car could become an unnecessary obstruction of the highway if it was left at a particular place for too long.

The several obstruction offences are given in subsequent sections, under "Highways Acts," "Town Police Clauses Act," "Regulation of Traffic," also see "Obstruction," Appendix 2.

In addition to the statutes dealing with obstruction on the highways generally throughout the country, and with obstruction in the streets of cities, towns or urban districts, many localities have local byelaws and regulations dealing with particular forms of obstruction, such as jostling on the footpaths.

The statute law under which road obstruction is usually dealt with is :

(1) Highway Act, 1835, s. 78, obstruction in any way of the free passage of the highway.

(2) Town Police Clauses Act, 1847, a. 28 (where it applies). Wilful obstruction of the street by vehicle or animal, to the obstruction, annoyance or danger of the residents or passengers.

(3) Construction and Use Regs., reg. 89 and Tracklaying Vehicle;- Regs., reg. 67. Unnecessary obstruction of the road by a motor vehicle or its trailer. See "Obstruction," Appendix 2.

(4) Highways Act, 1959 s. 121. Wilful obstruction in any way of the free passage along a highway. In the case of *Seekings v. Clarke* (1961), a shopkeeper was convicted of an offence under this section by placing articles for sale on the pavement in front of his shop. A constable may arrest without warrant any person whom he sees committing this offence.

Highway Act, 1835, s. 72: The following acts are summary offences :

Tethering any horse, ass, sheep, mule, swine or cattle on any

Wilfully riding upon any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers. "Footpath" means a way over which the public have a right of way on foot only. (R.T. Act, 1960, s. 257).

Wilfully leading or driving any horse, ass, sheep, mule, swine, cattle or carriage of any description (including bicycles and other similar machines (Local Government Act, 1888, s. 85)) or any truck or sledge upon any such footpath or causeway.

or misbehaviour to prevent, hinder or interrupt the free passage of any person, wagon, cart or other carriage, or horses, mules or other beasts of burden on any highway.

Town Police Clauses Act, 1847, s. 28 (where it applies), declares that the following acts are offences when they are committed in any street (which includes any road, square, court, alley and thoroughfare, or public passage (s. 3), and means a place to which the public have a right of access, including the footpaths), in a town or urban district to the obstruction, annoyance or danger of the residents or passengers :

Exposing for show, hire or sale (except in a market or fair) any horse or other animal.

Exhibiting in a caravan or otherwise any show or public entertainment.

Shoeing, bleeding or farriery any horse or animal (except in case of accident).

Cleaning, exercising, training, breaking or turning loose any horse or animal.

Making or repairing any part of any carriage (except necessary repairs after accidents).

Slaughtering or dressing any cattle or any part thereof (except in cases of accident).

Wantonly discharging any firearm or throwing or discharging

Making any bonfire or throwing or setting fire to any firework.

Wilfully and wantonly disturbing any inhabitant by pulling or ringing any door bell or knocking at any door.

Wilfully or unlawfully extinguishing the light of any lamp.

Flying any kite or making or using any slide upon ice or snow.

Cleaning or preparing any cask or tub, or cutting, etc., any

mischief to passengers).

Fixing or placing any flower-pot, box or other heavy article in any upper window without sufficiently guarding same

passengers).

the sill of a window so as to carry out any operation on the outside (unless such window is in the basement storey).

Leaving open any vault or cellar or underground entrance without a sufficient fence or handrail, or leaving the covering of same defective.

Insufficiently fencing any area, pit or sewer left open, or leaving same without a sufficient light after sunset.

Throwing or laying any dirt. Utter or ashes or any rubbish on any street.

any street.

Keeping swine (or pigsty) in or near any street so as to be a common nuisance.

(It is not an offence to lay sand or other materials in time of frost to prevent accidents, or to lay litter, etc., to prevent the freezing of pipes or to prevent noise in case of sickness, but same

The

following offences are confined to footways :

Wilfully causing any obstruction in any public footpath by means of any cart, carriage, sledge, truck, barrow, animal or other means (viz. of the same kind).

Leading or driving any horse or other animal or drawing or driving any cart, carriage, sledge, truck, or barrow upon any footway of any street.

Fastening any horse or other animal so that it stands across or upon any footway.

Placing or leaving any furniture, goods, wares or merchandise on any cask, tub, basket, pail, or bucket, or placing or using any

Placing any blind, shade, covering, awning or other projection over or along any such footway unless 8 feet in height at least in every part from the ground.

Placing, hanging up or otherwise exposing to sale any goods, wares, merchandise, matter or thing whatsoever, so that the same project into or over any footway or beyond the line of any house, shop or building at which the same are so exposed, so as to obstruct or incommode the passage of any person over or along such footway.

Rolling or carrying any cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, or log of wood upon any footway, except for the purpose of loading or unloading any cart or carriage or for the purpose of crossing the footway. All these acts in contravention of s. 28 are offences in urban districts when committed to the obstruction, annoyance or danger of the residents or passengers.

This section 28 of the Town Police Clauses Act, 1847, creates a number of offences in connection with streets and allows a constable to arrest any person whom he sees committing any of these offences (and as there is power of arrest without warrant a warrant may be issued, C.J.A. Act, 1914, s. 27). The police can prosecute (lay the information) for offences under this s. 28 because they have the power of arrest for them. For other offences under this 1847 Act and the Public Health Acts proceedings may be taken by an aggrieved person, by a local authority or with the consent of the

section applies only in towns and urban districts (s. 171, Public Health Act, 1875), and in those rural districts to which it has been extended by special order under s. 276 of the Public Health Act, 1875, and s. 13 Public Health Act, 1936.

Highways Act, 1959. The Highways Act, 1959 consolidated the statute law relating to highways, streets and bridges. It has since been amended by the Highways (Miscellaneous Provisions)

Damage to highways etc. It will be an offence if a person without lawful authority or excuse, (a) deposits anything whatsoever on a highway so as to damage the highway or (b) paints or otherwise inscribes, or affixes on the surface of a highway, or upon any tree, structure or works on or in a highway, any picture, letter, sign or other mark; or (c) lights any fire, discharges any firearm or firework, within 50 feet from the centre of a highway, and in consequence thereof the highway is damaged; or (d) in any other manner wilfully damages a highway, any part of an

embankment supporting a highway, anv part of a bank which flanks a highway or any retaining wall or flank wall belong- in/? to a highway ; or (e) wilfully damages a post, rail, wall or fence erected on or bv the side of a highway, or a tree, hedge or shrub, or grass, planted or laid out in a highway ; or (f) wilfully destroys or damages a cattle-grid, a gate, or other works on a highway for use in connection with a cattle-grid, or a gate or other works for the proper control of traffic passing over a by-pass for use in connection with a cattle-grid ; or (g) pulls down, damages or obliterates a traffic sign placed on or near a highway, or a milestone or direction post (not being a traffic sign) ; provided that it shall be a defence to show that the traffic sign, milestone

Act, 1961, s. 7).

Depositing things, or pitching booths etc. on highways. It will be an offence, if without lawful authority or excuse, (a) a person deposits on a made-up carriageway, or on any highway which consists of or comprises a made-up carriageway within 15 feet from the centre of that carriageway, anv dung, compost or other material for dressing land, or any rubbish ; or (b) a person deposits any thing whatsoever on a highway to the interruption of anv user of the highway, or (c) a hawker or other itinerant trader or a gipsy pitches a booth, stall or stand, or encamps, on a highway, (s. 127)

" Made-up carriageway " means a carriageway, or a part thereof, which has been metalled or in any other way provided with a surface suitable for the passage of vehicles (s. 295).

Danger or annoyance. It will be an offence (a) if a person, without lawful authority or excuse, deposits any thing whatsoever on a highway in consequence whereof a user of the highway is injured or endangered: (b) if a person, without lawful authority or excuse, lights anv fire or discharges any firearm or firework, within 50 feet of the centre of a highway, which consists of or comprises a carriageway, and in consequence thereof a user of the highway is injured, interrupted or endangered; (c) if a person plays at football or anv other game on a highway to the annoyance of a user thereof; (d) if a person, without lawful authority or excuse, allows any filth, dirt, lime or other offensive matter or thing to run or flow on to a highway from any adjoining premises (s. 140).

" Carriageway " means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles, (s. 295).

Placing a rope etc. across the highway. It will be an offence if a person who for any purpose places any rope, wire or other apparatus across a highway in such a manner as to be likely to cause danger to persons using the highway, unless he proves that he had taken all necessary means to give adequate warning of the danger, (s. 141).

Power to require removal of barbed wire. Barbed wire on a fence adjoining the highway and likely to be injurious to persons or animals on the highway is a nuisance and the appropriate authority may serve notice on the occupier requiring him to abate it. If he does not obey a summary court may order him to do so. (s. 143).

Regulation of deposit of building materials and making of excavation. authority, temporarily deposit building materials, rubbish or other things in a street or make a temporary excavation. He shall properly fence the obstruction or excavation, and during the hours of darkness have it lighted, (s. 146).

Restriction on placing rails, beams etc. over highways. No person similar apparatus over, along or across a highway without the consent of the highway authority, who may attach conditions

Obstruction of persons executing the Act. A person who wilfully obstructs any person acting in the execution of this Act or of a byelaw or order made thereunder shall, in any case for which no other provision is made by this Act, be guilty of an offence and shall be liable in respect thereof to a fine not exceeding /S, and, if the offence in respect of which he was convicted is continued after conviction, he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding £5 for each day on which the offence is so continued, (s. 262).

Restriction on institution of proceedings. Proceedings for offences against sections 146, 152 and 262 shall not, without the written consent of the Attorney General, be taken by any person other than a person aggrieved or a highway authority or a council, (s. 271 and 17th Sched.).

Impounding Animals. Cattle and animals of the like kind constitute a nuisance and a danger to the public when straying on the highway, and when so found may be taken by any person to the pound or place set apart for that purpose. Cattle may be on the highway only for the purpose of passing and repassing.

If any horse, cattle, sheep, goats or swine are at any time found straying or lying on or at the side of a highway, the owner shall be guilty of an offence ; this shall not apply in relation to a part of the highway passing over any common, waste or unenclosed ground. The owner shall be liable to a fine of 5s. per animal (total penalty not to exceed 30j.) together with the expense of removing any animal to the owner's premises or to the common pound or such other place provided for the purpose and the pound fees. It will be an offence if a person, without lawful authority or excuse, releases any animal from the pound, or on the way to or

from the pound, or damages the pound. (Highways Act, 1959, s. 135).

Town Police Clauses Act, 1847, us. 24 and 25, declares that any cattle, including horses, asses, mules, sheep, goats and swine, found at large in any street in any urban district without any person having the charge thereof, may be impounded by any constable or resident, and detained there until a penalty not exceeding 40s. is paid, together with the expenses of impounding and feeding such cattle. If same be not paid within three days, the cattle may be sold, after seven days notice to the owner if known or seven days after advertisement in a local newspaper.

Protection of Animals Act, 1911, s. 7, enacts that any person who impounds any animal is bound to supply it with sufficient food and water, and that if an animal is left in a pound without

person may enter the pound and supply same. The cost of food and water supplied to an impounded animal may be re-

Chap. 35.

Highway Code. S. 74 of the R.T. Act, 1960 states that " The Highway Code " introduced under s. 45 of the R.T. Act, 1930, shall continue to have effect. The Minister is responsible for preparing the Code which comprises directions for the guidance of persons using roads. It may be revised from time to time, subject to the approval of Parliament.

This code is printed and available to the public.

not of itself render him liable to criminal proceedings, but such a failure may in any civil or criminal proceedings be relied upon as tending to establish or to negative any liability which is in question in such proceedings.

The code contains advice and directions to all users of the high-horse-drawn vehicles, to persons in charge of animals, to pedal cyclists, and to pedestrians. It gives the various traffic signs

Regulation of Traffic. The police in the pursuance of their duty to maintain order have a general power to regulate traffic

highway.

s. 14). Several statutes prescribe rules which must be obeyed by the drivers of vehicles. Breaches of these rules are summary offences, as will be seen by the following extracts from the Acts in question.

Highway Act, 1835, s. 77 : No person is to act as driver of more than two carts or wagons or other such carriage* on a highway, but one person may act as driver of two such carriages provided same are not drawn by more than one horse each and the horse of the hindmost is attached by a rein not exceeding 4 feet in length to the back of the foremost. Penalty, 2*us.* hne.

S. 78 : The following acts are offences punishable by £5 hne (or £10 if the driver be the owner) or imprisonment in default.

Driver of any wagon, cart or other carriage of any kind riding upon same or upon any horse drawing same, on the highway, and not having another person on foot or on horseback to guide the same. (Carts and carriages driven with reins and conducted by some person holding the reins of all the horses drawing the same are excepted.)

Driver of any carriage whatsoever on the highway quitting the same and going on the other side of the highway fence, or being negligently or wilfully at such distance from such carriage or in such a situation that he cannot have the direction and government of the horses or cattle drawing the same.

Driver of any carriage whatsoever leaving any cart or carriage on the highway so as to obstruct the passage thereof.

Driver of any wagon, cart or other carriage whatsoever or of any horses, mules or other beasts of burden, meeting any other carriage or beasts of burden, and not keeping his carriage or beasts on the left or near side of the road.

Any person in any manner wilfully preventing any other person from passing him or any wagon, cart or other carriage or beasts of burden under his care upon such highway, or by negligence or misbehaviour preventing, hindering or interrupting the free passage of any person, carriage or beast of burden on any highway, or not keeping his carriage or beast of burden on the left or near side of the road for the purpose of allowing such passage.

Town Police Clauses Act, 1847, s. 28 : The following acts are offences when committed in any street in any urban district to the obstruction, annoyance or danger of the inhabitants or passengers :

Having the care of any wagon, cart or carriage and riding on the shafts, or without having reins and holding the same riding on such carriage or on any animal drawing the same, or being at such a distance as not to have due control over every animal drawing the same.

Meeting another carriage and not keeping his carriage to the left or near side. Passing another carriage and not keeping his carriage on the right or off side (except in cases of actual necessity or some sufficient reason for deviation).

Wilfully preventing, by obstructing the street, any person or carriage from passing him or any carriage under his care.

Driving at one time more than two carts or wagons, or if driving two, not having the halter of the horse in the last cart or wagon securely fastened to the back of the first, or having such halter of a greater length from such fastening to the horse's head than 4 feet.

Causing any public carriage, sledge, truck or barrow, with or without horses, or any beast of burden, to stand longer than is necessary for loading or unloading goods, or for taking up or setting down passengers (except vehicles and beasts of burden standing for hire in any place appointed for that purpose by the Local Authority).

By means of any cart, carriage, sledge, truck or barrow or any animal, wilfully interrupting any public crossing, or wilfully causing any obstruction in any public footpath or other thoroughfare.

Causing any tree, timber, or iron beam to be drawn on any carriage without having sufficient means of safely guiding the same.

Penalty, 40s. fine or fourteen days imprisonment.

Under ss. 21 and 22 of this Act the Local Authority, to prevent obstruction, may make orders for the route of vehicles, horses and persons.

Road Traffic Acts. The Road Traffic Act, 1960, consolidated, with corrections and improvements most previous enactments relating to road traffic. The Act is arranged in Seven

Part I : General provisions relating to Road Traffic. Part II : Minimum age for driving motor vehicles and licensing of drivers thereof. Part III : Public Service Vehicles (see Chapter 25). Part IV : Regulation of carriage of goods by road (see Chapter 25). Part V: Licensing of drivers of Heavy Goods Vehicles (see Chapter 25). Part VI: Third-party Liabilities and Part VII: Miscellaneous and General. Further provision as to road safety and road traffic, and purposes connected therewith have been made by the Road Traffic Act, 1962.

Causing death by dangerous driving. A person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, commits an offence. This offence is not triable by quarter sessions. Section 20 of the Coroners (Amendment) Act." 1926 (see Chap. 39) applies to this offence, (s. 1.) For power of arrest see s. 228.

Dangerous Driving. Any person driving a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case,

including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be on the road, commits an offence. On trial on indictment for manslaughter or causing death by dangerous driving, the jury may find an accused guilty of dangerous driving, (s. 2).

For power of arrest see s. 228. The offender must be warned of intended prosecution (see s. 241). The section does not apply to tramcars (see s. 259).

In a case of driving at a speed dangerous to the public, it is not necessary to prove actual danger; potential danger must be considered (*Kingman v. Seager* (1938) and *Bracegirdle v. Oxley* (1947)).

Several other statutes deal with the driving of vehicles on the highway, prescribing punishment for certain acts which cause or may cause injury to person or property:

Highway Act, 1835. s. 78 : The driver of any carriage whatsoever on any part of any highway, by negligence or wilful misbehaviour, causing any hurt or damage to any person, horse, cattle or goods conveyed in any carriage passing or being upon such highway.

(Bicycles, tricycles and other similar machines are carriages within the meaning of the Highway Acts (Local Government

Any person riding any horse or beast or driving any sort of carriage, riding or driving the same furiously so as to endanger the life or limb of any passenger. Penalty £5 fine, or £10 if driver is also the owner.

(in any urban district) to the obstruction, annoyance or danger of the residents or passengers, riding or driving furiously any horse or carriage, or driving furiously any cattle. Penalty 40s. fine or fourteen days imprisonment. Any constable witnessing the offence may arrest without warrant and convey the offender before a justice. A bicycle is a carriage (*Taylor v. Goodwin* (1879)).

Offences against the Person Act, 1861, s. 35 : Any person, having the charge of any carriage or vehicle, by wanton or furious driving or racing or other wilful misconduct or by wilful neglect, doing or causing to be done any bodily harm to any person. Misdemeanour.

so as to endanger the life or limb of any person or to the common danger of the passengers in any street, not being a street within the Metropolitan Police District (wherein the Metropolitan Police

by Order, to rural districts. 'See s. 27 Crim. Justice Adm. Act, 1914, as to proceedings where, there was no arrest.

Careless Driving. Any person driving a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road commits an offence

of intended prosecution, (s. 241). The section does not apply to tramcars (s. 259).

There are two separate offences in this section and it is a question of fact for the justices.

Inexperience of a learner is no excuse. There is only one standard of careful driving (*McCrone v. Riding* (1938)). A driver who allows himself to be overtaken by sleep while driving is at

(*Kay v. Butlerworth* (1945)).

If a Magistrates' Court considers a charge of reckless or dangerous driving (s. 2) is not proved, then during the hearing, or immediately thereafter, the court may direct or allow a charge

and may proceed with the charge provided the accused is given an opportunity of answering it or may adjourn the hearing if it considers that the accused is prejudiced in his defence to the new charge, (s. 3.)

Speeding. It shall not be lawful for any person to drive a motor vehicle on a road at a speed exceeding a statutory speed limit (s. 4). A person prosecuted for this offence shall not be liable to be convicted solely on the evidence of one witness that in his

limit. Corroborative evidence of a speedometer or stop watch may be accepted by the court (*Penny v. Nicholas* (1950)).

The evidence of a single witness that he had timed a motor vehicle over a measured distance by a stop watch and thereby ascertained its rate of speed is evidence of fact and is not merely opinion, and a Court is entitled to convict on such evidence (*Planck v. Marks* (1906)). Corroboration by the evidence of another witness is not necessary (*Russell v. Beeiley* (1937)).

For speed limits see Appendix I.

employed by him to drive or subject to his orders in driving, to

commits an offence. If an employer issues a time table or gives directions under which it is not practicable to complete a journey without exceeding any speed limit, the same may be produced as *prima facie* evidence that he procured* or incited his employee to commit this offence, (a, 4).

This section does not apply to tramcars and trolley vehicles (s. 259).

Driving under age. A person who drives, or causes or permits a person to drive, a motor vehicle in contravention of the provisions of s. 97 of the Act (which relates to the minimum age for

driving motor vehicles) commits an offence. (s. 5). It does not apply to tramcars and trolley vehicles (s. 259).

to drive or attempt to drive a motor vehicle on a road or other public place, when unfit to drive through drink or drugs. (This does not apply to tramcars (s. 259)).

It is also an offence, punishable on indictment or summarily, to be in charge of a motor vehicle on a road or other public place (but not driving the vehicle) when unfit to drive through drink or drugs. The person shall be deemed not to have been in charge of the vehicle if he proves that at the time there was no likelihood of his driving the vehicle and that he had not driven the vehicle

charged with this offence shall not be liable to be charged under

mitting any of the offences of driving, attempting to drive or being in charge of a motor vehicle on a road or other public place when unfit to drive through drink or drugs.

to be unfit to drive if his ability to drive properly is for the time being impaired. (R.T. Act, 1962, s. 1).

In any proceedings under s. 6 R.T. Act, 1960, the court shall, subject to s.s. (4) of this section, have regard to any evidence which may be given of the proportion or quantity of alcohol or of any drug which was contained in the blood, or present in the body

specimen of blood taken from him with his consent by a medical practitioner, or of urine or breath provided by him, at any material time, and if it is proved that the accused when so re

his refusal may unless reasonable cause therefor is shown, be treated as supporting any evidence given on behalf of the prosecution or as rebutting any evidence given on behalf of the defence with respect to his condition at that time (R.T. Act, 1962, s. 2 (1)).

In such proceedings, a certificate signed by an authorised analyst, certifying that the proportion of alcohol or any drug found in a specimen identified by the certificate, and in the case of a specimen not being, a specimen of blood, the proportion of

proportion found in the specimen, shall be evidence of the matters so certified and of the qualification of the analyst:

copy of the certificate has been served on the accused not less than (or such further time as the court may allow) before the hearing

analyst at the hearing (R.T. Act, 1962, s. 2 (2)).

Where the accused, at the time a specimen of blood or urine was taken from or provided by him, asked to be supplied with such a

in the specimen shall not be admissible on behalf of the prosecution unless (a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into 2 parts at the time it was taken or provided, and (b) the other specimen or part was supplied to the accused. (R.T. Act, 1962, s. 2 (4)).

A constable requesting any person to consent to the taking of or to provide a specimen of blood or urine for analysis shall offer to supply to him, in a suitable container, part of the specimen or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to have taken. (R.T. Act, 1962, s. 2(5)).

[Where, after the coming into operation of s. 2(5) of the R.T.A. 1962 a constable requests any person to provide a specimen of breath (a) s. 2(4) of that Act shall apply in relation to the specimen as it applies in relation to a specimen or urine, and (b) the constable shall offer to supply to that person, in a suitable container, another specimen of breath which he may consent to provide (R.T. Act, 1962, s. 2(6) . . . *when in force*).]

In s. 2 of the 1962 Act " authorised analyst " means any person

Act, 1955, s. 89, or the Food and Drugs (Scotland) Act, 1956, s. 27, as qualifying persons for appointment as public analysts under those Acts, and any other person authorised by the Secretary of State to make analyses for the purposes of that section. (R.T. Act, 1962, s. 2(7)),

Motor racing on highways. A person who promotes or takes part in a race or trial of speed between motor vehicles on a public highway commits an offence (s. 7).

Regulation of motoring events on public highways. A person who after such day as the Minister may by order appoint, promotes or takes part in a competition or trial (other than a race or trial of speed) involving the use of motor vehicles on a public highway commits an offence unless the competition or trial is authorised and is conducted in accordance with any conditions imposed by or under Regulations. (R.T. Act, 1962, s. 36 -----*when in force*).]

Restriction on carriage of persons on motor cycles. It is not lawful for more than one person in addition to the driver to be carried on any two wheeled motor cycle, or for such one person to be carried otherwise than sitting astride the cycle on a proper seat securely fixed to the cycle behind the driver's seat (s. 8).

Reckless and dangerous cycling. Any person riding a bicycle or tricycle, not being a motor vehicle, on a road recklessly, or at

a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be on the road, commits an offence (s. 9). For power of arrest see s. 228. The offender must be warned of intended prosecution, sees. 241.

Careless and inconsiderate cycling. Any person riding a bicycle or tricycle, not being a motor vehicle, on a road without due care and attention, or without reasonable consideration for other persons using the road, commits an offence (s. 10).

For power of arrest see s. 228. The offender must be warned of intended prosecution (s. 241).

If a Magistrates' Court considers the charge of dangerous or reckless cycling (s. 9) is not proved, then during the hearing, or immediately thereafter, the Court may direct or allow a charge of careless cycling (s. 10) to be preferred forthwith and may proceed with the charge provided the accused is given an op-

that the accused is prejudiced in his defence to the new charge, (s. 10).

Cycling when under (the influence of drink. It is a summary offence to ride a bicycle or tricycle, not being a motor vehicle, on a road or other public place when unfit to ride through drink or drugs (s. 11). An offender may be arrested without warrant by a constable.

A person liable to be charged with this offence shall not be liable to be charged under s. 12 of the Licensing Act, 1872, with the offence of being drunk while in charge of a carriage.

" Unfit to ride through drink or drug " means, as regards a person riding a bicycle or tricycle, under the influence of drink or a drug to such an extent as to be incapable of having proper control of it (s. 11).

Regulation of cycle racing on highways. A person who promotes or takes part in a race or trial of speed on a public highway between bicycles or tricycles, not being motor vehicles, shall, unless the race or trial is authorised, and is conducted in accordance with any conditions imposed, by or under regulations,

The Cycle Racing on Highways Regulations 1960, provide for the authorisation of such races or trials of speed on public highways. Certain powers are given to Chief Officers of Police under the Regulations.

Restriction on carriage of persons on bicycles. It is not lawful for more than one person to be carried on a road on a pedal bicycle unless it is constructed or adapted for the carriage of more than one person. " Person carried " includes the rider.

If this section is contravened each person carried *ia* liable to a fine. (s. 13).

any person driving or propelling any vehicle (a) to neglect or refuse to stop the vehicle or to make it proceed in or keep to a particular line of traffic when directed to do so by a police constable, for the time being engaged in the regulation of traffic on a road, in the execution of his duty ; (b) to fail to conform to the indication given by any traffic sign lawfully placed on or near any road and being lawfully authorised, (s. 14). The offender must be warned of intended prosecution, (see s. 241).

A traffic sign on or near a road shall be deemed to be of the prescribed size, colour and type or of another authorised character and to be lawfully there unless the contrary is proved, (s. 14). Therefore the onus is placed on a defendant to prove the sign is not legal if he so alleges.

Pedestrians to comply with directions of constables. A person on foot who proceeds across or along the carriageway in contravention of a direction to stop given by a constable in uniform regulating traffic in the road, commits an offence (s. 15). A constable may require such a person to give his name and address and failure to do so is an offence (s. 229). Section 229 applies to persons in the public service of the Crown, (s. 250).

person in charge of a vehicle to cause or permit the vehicle, or a trailer drawn thereby, to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road. (s. 16). The offender must be warned of intended prosecution (see s. 241).

Restrictions on Use of motor vehicles off Roadway. No person shall promote or take part in a trial of any description between motor vehicles on a footpath or bridleway unless the trial has been authorised by the local authority with the consent of the owner and the occupier of the land over which the footpath or bridleway runs (s. 17).

The driving of a motor vehicle, without lawful authority, on to or upon any common land, moorland, or other land (not being part of a road) or on any road being a footpath or bridleway, is an offence except when done for the purpose of saving life, extinguishing fire or other like emergency, or on land within 15 yards of a road for the purpose only of parking the vehicle. However, this section does not affect the rights of the public over commons and waste lands, or any byelaws as to lands or the law of trespass, and it does not confer any right to park a vehicle on any land (s. 18).

person to drive a motor vehicle on a restricted road at a speed exceeding 30 m.p.h. but an order by Statutory Instrument may be

made as respects any specified restricted road that the limit of speed be increased or reduced (s. 19). The offender must be warned of intended prosecution (see s. 241).

A "restricted road" means a road in which there is a system of street lighting by lamps placed not more than 200 yards apart and which was provided before 1st July, 1957. A direction may be given that a road shall cease to be a restricted road or that a specified road shall become a restricted road (s. 20).

Traffic signs shall be erected so as to give adequate guidance to drivers as to whether any, and if so what, limit of speed is to be observed on a road. A person shall not be convicted of exceeding a speed limit on a road which has no system of street lighting by lamps placed not more than 200 yards apart unless the limit is indicated by traffic signs (s. 22 and 1962 Act. s. 12).

restricted roads the Minister of Transport or the local authority may make an order prohibiting, either generally or during specified periods, the driving of motor vehicles at a speed exceeding the limit given in the order. Before making such an order a local authority shall consult the chief officer of police (1962 Act. s. 11).

Temporary or experimental speed limits. In the interest of safety and for facilitating the movement of traffic the Minister of Transport may impose temporary or experimental speed limits. There is power to impose both maximum and minimum speed limits, but minimum speed limits may be imposed only on specified roads. Exceeding a maximum speed limit fixed by an experimental order will be an offence punishable under s. 4 R.T. Act 1960. Contravention of a minimum speed limit will be an offence under s. 13(6) R.T. Act, 1962. There is no power to order disqualification or endorsement for this offence, and a person shall be convicted of this offence on the opinion of one witness as to the speed at which the defendant was driving.

Traffic Signs (Speed Limits) Regs. and General Directions, 1962.

These prescribe the signs which indicate to drivers where a speed limit begins and ceases. The figures (e.g. 30 or 40) in black on a white circle surrounded by a red ring will indicate that a speed limit is in force, and a transverse black bar in a white circle will indicate that this speed limit is not in force on the road.

These signs will be fitted with reflectors or will be illuminated.

Speed limits for certain classes of vehicles. It shall not be lawful for a person to drive a motor vehicle of any class or description on a road at a speed greater than the speed specified as the maximum speed for a vehicle of that class or description. (For schedule see Appendix I), (s. 24). The offender must be warned of intended prosecution (see s. 241).

Speed Limit Exemptions. Any vehicle used for police, ambulance or fire brigade purposes is exempt from any speed limits if their observance would be likely to hinder the use of the vehicle for the purpose for which it is being used (a. 25).

Traffic Regulation outside London Traffic Area. Sections 26-29 R.T. Act, 1960, and s. 28 of 1962 Act, authorise the Minister of Transport to make orders regulating traffic on trunk roads, and local authorities to make similar regulations regarding other roads. The procedure to be followed in making these orders is governed by the Traffic Regulation Orders (Procedure) (England and Wales) Regs. 1961, Driving a vehicle, or causing or permitting a vehicle to be driven in contravention of the order is an offence (s. 26).

R.T.
Act, 1960 and ss. 26-27 R.T. Act, 1962. contain provisions for facilitating and improving the regulation of traffic in and near London.

Traffic Regulation in special cases. A highway authority, to obviate danger to the public or serious damage to the highway, may by notice restrict or prohibit temporarily the use of a road by vehicles. It may also, on occasion of works being executed or proposed to be executed on or near a road, prohibit or restrict traffic by order. Notices of such a notice or order must be posted on the road giving the alternative route for traffic (*a.* 36 and 6th Sched.).

A local authority outside the London Traffic Area, with the Minister's approval, may make orders as to the use of highways by public service vehicles (s. 39).

The Minister may by order prohibit or restrict the driving of vehicles on all roads (except special roads) specified in the order if he is satisfied that it is desirable that such an order should be made. To drive a vehicle, or cause or permit a vehicle to be driven, in contravention of such an order is an offence (*s.* 40).

A bridge authority, by proper notice in proper position at each end of a bridge over which a road passes, may prohibit the use of the bridge by any vehicle of which (a) the weight exceeds a maximum weight specified in the notice, not being less than 5 tons; or (b) (i) the weight exceeds a maximum weight so specified, not being less than 5 tons or (ii) any axle weight exceeds a maximum axle weight so specified, not being less than 3 tons, either absolutely or when travelling at more than a specified speed. It will be an offence to contravene such notice unless the bridge authority has given a permit to do so. If in any proceedings for this offence the prosecutor satisfies the Court that there are reasonable grounds for believing that the weight of the vehicle exceeded the maximum weights specified in the notice, or that any axle weight of the vehicle exceeded the maximum axle weight so specified, the onus of proving that the weight or weights did not exceed the maximum shall lie on the defendant (*s.* 41). (This section will come into operation when the Minister makes an Order).

A highway or a bridge authority may grant a permit as regards its roads or bridges allowing a trailer drawn by a locomotive to carry weights (as specified) in excess of what is prescribed by regulation (s. 42).

Minister powers to make regulations for the removal from roads, and safe custody, of vehicles which have been left on roads (a) in contravention of a restriction, or (b) causing obstruction or likely to cause danger, or (c) which appear to be abandoned, or which have broken down. Expenses incurred by the police in removing such vehicles shall be recoverable from the owner of the vehicle. The Minister may also make regulations regarding the disposal of vehicles abandoned on roads or in parking places (R.T. and R.I. Act. 1960, s. 16).

The Removal of Vehicles (England and Wales) Regs. 1961 provide that where a vehicle has broken down or is permitted to remain at rest on a road so as to be likely to cause danger to or obstruction to other persons using the road or is allowed to rest on a road in contravention of any relevant law, a Constable may require the owner, driver or other person in charge to remove it as directed. Failure to comply will be a summary offence. (Reg. 4). Where a vehicle (a) is one to which Reg. 4 applies, or (b) having broken down, appears to be abandoned, or (c) has been permitted to remain at rest on a road in such a position, condition, or circumstances as to appear to have been abandoned, a constable may remove the vehicle or arrange for it to be removed from that road or may move it or arrange for it to be moved to another position on that or another road: provided that this power shall not be used unless the constable is of the opinion that the extent of the obstruction which the vehicle is causing is so serious that the vehicle ought not to remain where it is (Reg. 5).

The Regs. also provide for the disposal of vehicles abandoned on roads. The charges which may be made for the removal and storage of such vehicles are regulated by R.T. and R.I. Act, 1960. S. 15 and The Removal of Vehicles (Charges) (England and Wales) Order. 1960.

Pedestrian Crossings. Ss. 44-46 R.T. Act, 1960, allow the establishment of road crossings for pedestrians and the making of regulations respecting their use.

Reg. 3 : Every crossing for foot passengers on a road shall be indicated as prescribed in the First Schedule. Part 1 of this Schedule directs two lines of studs across the carriageway. Part 2 directs that every crossing where there are no light signals or police control shall be further marked by black and white stripes between the lines of studs (viz., " Zebra Crossings "). At or near

each end of such a crossing there shall be a yellow globe with flashing or constant light on a black and white banded post, and where necessary a lamp not less than 9 feet high may be provided to illuminate foot passengers during the hours of darkness. The approach for vehicular traffic to an uncontrolled crossing (zebra crossing) shall be indicated by 2 lines of studs (each stud about one foot apart) situated between 42 feet and 48 feet from crossings on roads subject to a speed limit of 30 m.p.h. or less, and between 70 feet and 80 feet on roads where no such speed limit is in force.

Reg. 5 : A vehicle must not stop in a crossing unless prevented from proceeding by circumstances beyond the driver's control or has to stop to avoid accident.

Reg. 8: No foot passenger shall remain in a crossing longer than is necessary for passing across with reasonable despatch.

An "uncontrolled crossing" means one to which Part 2 of the Schedule applies (no light signals) or where traffic is not being controlled by a police officer in uniform (Reg. 2).

Reg. 4 : Every foot passenger in an uncontrolled crossing has precedence over any vehicle and its driver shall afford such precedence. If a street refuge or central reservation interrupts such crossing each side of the crossing will be a separate crossing.

Reg. 6 : A vehicle (not a solo bicycle) shall not stop in the carriage way between the double line of studs in the road before the crossing is reached and the uncontrolled crossing with its light on black and white post except, as allowed by Reg. 7, it is unable to proceed or has to stop to avoid accident or for fire brigade, ambulance or police purposes, or defence purposes, or building operations or for road works purposes.

Contraventions of Regs. 4, 5, 6, or 8 are punishable summarily by fine. (See s. 46, 1960 Act.).

The Pedestrian Crossings (Push Button Control) Regs., 1962 provide a new method of regulating traffic at pedestrian crossings by means of light signals which can be operated by pedestrians pushing a push button. Only a few of these "Panda" crossings have so far been erected. They are always accompanied by triangular shaped black and white markings across the road and are distinguishable from "Zebra" crossings which have rectangular black and white markings.

These regulations include provisions (a) prohibiting the driver of a vehicle from causing the vehicle to proceed beyond a vehicular traffic light signal when it is showing a pulsating amber light unless the vehicle is so close when the light starts to pulsate that the vehicle cannot stop in safety. (Reg. 7(1)); (b) prohibiting the driver from causing the vehicle to proceed beyond the signal when it is showing a pulsating red signal (Reg. 7(2)), and (c)

while a vehicular light signal is flashing amber (Reg. 7(3)).

School Crossing Patrols. Ss. 47-48 R.T. Act, 1960 allow county and county borough councils to appoint persons as school crossing patrols to patrol at places where children are crossing or seeking to cross roads on their way to or from school between 8 a.m. and 5.30 p.m. Any such patrol must be trained and wear uniform. When such a patrol exhibits the prescribed sign " Stop Children Crossing " the driver of a vehicle must stop and allow the children to cross the road. If the driver does not stop he

Patrols) Regs. 1953.

Street Playgrounds. Ss. 49-50 R.T. Act, 1960 give power to local authorities to prohibit traffic on roads to be used as playgrounds, and to make byelaws with respect to their use.

Traffic Signs. Ss. 51-63 R.T. Act, 1960 deal with traffic signs which may be erected on or near roads. " Traffic sign " means any object or device (whether fixed or portable) for conveying warnings, information, requirements, restrictions, or prohibitions of any description prescribed or authorised by law to traffic on roads, or any specified description of traffic, and any line or mark on a road for conveying such warnings. No other traffic signs are permissible except those re bridges and those placed by any tramway, trolley vehicle, light railway, dock or harbour undertaking (s. 51).

A highway authority may cause or permit traffic signs to be placed on or near any road in conformity with the directions of the appropriate Minister (s. 52).

A constable, or a person acting under the instructions of the on a highway, traffic signs for giving effect to local traffic regulations (s. 53).

A constable, or a person acting under the instructions of the chief officer of police, may place on a highway, or on any structure indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances. The continuous use of such signs is restricted to seven days, and s. 14 of the Act applies to them (s. 54).

The highway authority may give written notice to the owner or occupier of land to remove any unauthorised traffic sign and has power to remove it (s. 56).

Traffic Signs Regs, and General Directions, 1957 as amended in 1959 and 1960, give the traffic signs which may be placed on or near roads and directions as to their use. Many of these signs

are merely of a warning or informative character and disregard of them, while not punishable as a specific offence under s. 14 of K.I. Act, ItfbU may increase any liability for careless or dangerous driving.

As regards light signals, " green " indicates that a vehicle may proceed with due regard to the safety of other users of the road and subject to the directions of any police officer regulating traffic ; " red " and " red with amber " prohibit movement beyond the stop line until " green " shows. " Amber " shown alone also prohibits movement beyond the stop line except in a case where the vehicle is so close to the stop line that it cannot safely be stopped before crossing the line. By the 1959 Regs, a new traffic sign comprising flashing red light signals is prescribed for stopping traffic. Vehicular traffic shall not proceed beyond the signals except in the case of any vehicle which is so close to the signal when the lights first begin to flash that it cannot safely be stopped before passing the signals. These flashing red light signals may be surmounted by a cross. (Regs. 27 and 30).

The Traffic Signs (Amendment) Regs. 1959 authorised a new carriageway marking called " the double white line ". Subject to certain exceptions, vehicles must not stop on the road where this marking has been placed, and vehicles must travel on the left of a continuous line where it is placed on the left of a dotted line or a continuous line. A vehicle may stop as long as may be necessary on a road where this marking has been placed : (1) to enable a person to board or alight ; (2) for loading or unloading goods ; (3) for building or demolition work, to remove obstructions etc. The requirement that a vehicle must not stop where this marking has been placed does not apply to (a) fire brigade, ambulance and police vehicles ; (b) pedal cycles without sidecars ; (c) a vehicle prevented from proceeding by circumstances beyond the driver's control or to avoid an accident ; (d) to anything done with the permission of a police constable in uniform. It is permissible to cross a continuous white line to obtain access to another road, or to land or premises adjacent to the road, or, if necessary, (a) to pass a stationary vehicle ; (b) owing to circumstances beyond the driver's control ; (c) to avoid an accident, or (d) to comply with any direction of a police constable in uniform. No vehicle shall cross or straddle a " broken white line " which is on the left of a " continuous white line " unless the driver can see that it is safe to do so.

The traffic signs, "Halt at major road ahead," " Slow major road ahead," " Keep left dual carriageway," " Turn left dual carriageway," " Keep Left," " Stop for weight check," " Stop " (which may be used only where one-way traffic is necessary owing to a temporary closure to vehicular traffic of a width of a carriageway) and the " red light signal " (whether fixed or

portable) and " double white line marking " are authorised and it is an offence to disobey them.

Powers to make regulations as to construction and use of Vehicles and Equipment. The Minister may, by statutory instrument, make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment, and the conditions under which they may be so used. It will be an offence for any person to use or cause or permit to be used on a road, any motor vehicle or trailer which does not comply with the Regulations. However, any regulations which vary the rules as to construction or weight must exempt therefrom for at least 5 years any vehicles registered before the expiration of one year from the making of the regulations (subject to the powers given to the minister by s. 14, R.T. Act, 1962), and the Minister has power to authorise the use on roads of special types of motor vehicles (s. 64). For Regulations see Appendix II.

By s. 21 of R.T. and R.I. Act, 1960 any regulations imposing or varying requirements with respect to braking systems on motor vehicles shall not be construed as relating to construction of vehicles for the purposes of s. 64 of R.T. Act, 1960 or any other provision of the regulations made under this section.

Tests of satisfactory condition of vehicles. The Minister may make regulations for the purpose of ascertaining whether the prescribed statutory requirements relating to the construction and condition of motor vehicles are complied with. If the conditions are satisfied then a " test certificate " may be issued. The examinations of vehicles shall be carried out by " Authorised Examiners." If a test certificate is refused the person aggrieved may appeal to the Minister who can cause a further examination to be made (s. 65). Under this section the Motor Vehicles (Tests) Regulations, 1960 were made. These Regulations apply to motor vehicles (not being track-laying vehicles) which are heavy motor cars, motor cars and motor cycles, except that they do not apply to (a) a goods vehicle over 30 cwts. in weight unladen; (b) a public service vehicle adapted to carry 8 or more passengers ; (c) an articulated vehicle or a vehicle constructed or adapted for the purpose of forming part of an articulated vehicle ; (d) a works truck, or (e) a pedestrian controlled vehicle.

Prescribed statutory requirements, for examinations. Every motor vehicle to which these regulations apply submitted for examination shall be examined for the purpose of ascertaining whether the statutory requirements specified in the Second Schedule are complied with. Motor vehicles submitted for examination while being used on roads in connection with the examination by, or under the direction of a person empowered to carry out the examination are exempted from certain provisions of the 1955 Regs. (Reg. 9).

The statutory requirements which are prescribed for the purposes of an examination of a motor vehicle are as follows : those contained in the provisions of the Motor Vehicles (Construction and Use) Regs. 1955, as amended, which relate (1) to the braking system or systems ; (2) to the steering gear, and (3) to the lighting equipment and reflectors. (Second Sched.).

Obligatory Test Certificates. S. 66 R.T. Act, 1960 prohibits (subject to exceptions) the use on a road of motor vehicles registered for not less than 6 years unless a test certificate has

period as may be prescribed. Exemptions are given in the Motor Vehicles (Tests) (Exemptions) Regs., 1961 and 1962.

provides that an authorised examiner may test a motor vehicle or trailer on a road to see that the legal requirements as to brakes, silencers, steering gear, tyres, lighting equipment and reflectors and as to the prevention or reduction of smoke, fumes or vapour are complied with. Only a constable may stop it for such test. Such an examiner has to produce his authority, if so required. Any constable can be authorised so to act by his chief officer. The driver may elect to have such test deferred to a time and place as arranged under Schedule 8 of the Act provided that if there has been an accident a constable may require a test forthwith.

complying with the regulations as to construction, weight and equipment including brakes steering gear, tyres or lighting equipment (subject to the defence that it would not be used

shall be an offence. It is also an offence to alter a motor vehicle or trailer so as to render its condition such that its use on a road would be unlawful. However, a person shall not be convicted of

alteration if he proves that it was done for export from Great Britain or with reasonable cause to believe that the vehicle would not be used on a road in Great Britain or would not be so used until put into lawful condition (s. 68).

drawn by a motor vehicle on a highway shall not exceed :

- (a) in the case of a heavy or light locomotive, three ;
- (b) in the case of a motor tractor, one, if laden, or two, if unladen ;
- (c) in the case of a motor car or a heavy motor car, one.

water for the purposes of the drawing vehicle or an agricultural

Any person causing or permitting a breach of this section commits an offence (s. 69).

These restrictions on the number of trailers do not apply to vehicles in the service of the armed forces of the Crown (s. 250), or to tramcars or trolley vehicles (s. 259).

The Minister has power to make Regulations substituting two for one as the number of trailers that may be drawn by any class of vehicle specified (s. 17 R.T. Act, 1962).

Persons to attend to locomotives and trailers. Two persons shall be employed in driving or attending a heavy or light locomotive on a highway, and if it draws a trailer or trailers, one or more persons in addition to the two aforesaid shall be employed for attending to the trailer or trailers at the rate of one such additional person for each trailer in excess of one. This does not apply to a road roller while rolling a road. If a motor vehicle other than a locomotive draws a trailer or trailers on a highway one person in addition to the driver must be carried to attend to the trailer or trailers. As regards "attendants," the term "trailer" does not include a vehicle used solely for carrying water for the motor vehicle or any agricultural vehicle not made to carry a load. Any person causing or permitting a breach of this section commits an offence (s. 72).

Hours of duty of certain drivers. To protect the public from the danger arising from drivers suffering from excessive fatigue, the hours of driving duty of drivers of public service vehicles, heavy and light locomotives, motor tractors, and motor vehicles constructed to carry goods, are limited by this section to : (a) Any continuous period of 5½ hours ; or (6) Continuous periods totalling eleven hours in any period of twenty-four hours commencing 2 A.M.

unless separated by at least half an hour in which the driver can get rest and refreshment. Driving time shall include time spent on other work in connection with the vehicle or its load.

A driver should have at least 10 consecutive hours for rest in any period of 24 hours calculated from the commencement of any period of driving, but 9 consecutive hours for rest in the 24 will be sufficient if he has at least 12 consecutive hours for rest in the next following period of 24 hours. (See later for variation.)

The time during which a driver is bound to obey directions or remain on or near the vehicle or at a place where he cannot rest away from the vehicle shall not be deemed "rest time."

The times for rest and refreshment allowed to drivers of stage carriages during their hours of duty may be taken into consideration as regards their hours of duty.

However, these rules do not apply to ambulances, fire machines

(see a. 259), nor to vehicles used for agriculture or forestry elsewhere than on a road, and the prescribed hours may be varied by the Minister of Transport (s. 73).

Any person driving, or causing or permitting any person employed by him or subject to his orders to drive in contravention of this section, commits an offence, but will escape conviction if he proves to the Court that the contravention was due to unavoidable delay in the journey arising out of circumstances which he could not reasonably have foreseen (s. 73).

altered the above hours in connection with public service vehicles as follows :

One period of driving duty (with intervals) may continue for 8 hours in the 24. If 8 hours is worked in two periods one period may last 12 hours (with intervals) if the driver gets 12 consecutive hours rest in the 24.

Eight consecutive hours rest on one day of the week may be substituted for drivers of express and contract carriages if there is a 4-hour rest at a destination, and also for a stage carriage driver if he gets 12 consecutive hours rest on the following day.

altered the prescribed hours, in connection with heavy and light locomotives, motor tractors and goods vehicles authorised under A and B licences (see " Goods Vehicles," Chap. 25), as follows :

(a) If only one period of 8 hours is worked in the 24 hours, 8 hours may be substituted for the 5 hours continuous period if the driver is allowed intervals for rest and refreshment of not less than 40 minutes in the aggregate.

(b) If the driver is employed by the week and receives one complete day's rest of 24 hours in each week, the limit of 11 hours aggregate driving time in a 24-hours period may be extended to 12 hours provided that some part of the time is occupied in waiting or other work.

This 12 hours is usually allowed in respect to such vehicles authorised under " C " licences on 2 days in each of the last three weeks of December.

Accidents. If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby personal injury is caused to a person other than the driver of that motor vehicle or damage is caused to a vehicle other than that motor vehicle or a trailer drawn thereby or to an animal other than an animal in or on that motor vehicle or a trailer drawn thereby, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle, (s. 77).

If for any reason he does not so give his name and address to any such person, such driver shall report the accident at a police station or to a police constable as soon as reasonably practicable

with this section is an offence. "Animal" means any horse, cattle, ass, mule, sheep, pig, goat or dog. (s. 77).

A bicycle is a vehicle (*Ellis v. Nott-Dower* (1896)).

This liability to report extends to every case where the driver has not in fact given his name and address, for example, no one asked for it or no one was present at the time (*Ptek v. Totvle* (1945)).

Refusal, on reasonable requirement, to give name and address is an offence not excused by subsequent report to the police (*Dawson v. Winter* (1932) and *North v. Gerrish* (1959)).

If the driver gives his name and address (or drivers exchange names and addresses) as required, there is no duty to report to the police (*Adair v. Filming* (1932) and *Green v. Dunn* (1953)).

A driver did not know he had collided with a stationary car and did not report. He was convicted but the K.B.D. quashed

This section imposes a duty, so failure to report where the driver was unaware of the act was not an offence. It does not apply to tramcars and trolley vehicles (s. 259).

If an accident arises out of the presence of a motor vehicle (tramcars excepted) on a road, the Minister may direct inquiry into the cause and any person authorised by him has power to inspect any vehicle concerned and to enter premises for the purpose. It will be an offence to obstruct him. The Minister may also direct a public inquiry to be held. Any report by or to the Minister as a result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom legal proceedings are instituted in consequence of the accident, (s. 78).

Parking Places. Under s. 81-96 R.T. Act, 1960, as amended by R.T. and R.I. Act, 1960 and the 2nd Sched R.T. Act. 1962 local authorities have powers to provide parking places for the

places on roads must not unreasonably prevent access to any premises adjoining the road and must not be a nuisance. In certain streets local authorities have installed parking meters for the collection of charges for parking on highways.

Minimum age for driving motor vehicles. S. 97 R.T. Act. 1960 prescribes minimum ages at which persons may drive motor

- (1) 16 for persons driving motor cycles and invalid carriages ;
- (2) 17 for persons driving motor cars ;

(3) 17 for persons driving tractors used primarily for work on land in connection with agriculture ; and

(4) 21 for persons driving heavy locomotives, light locomotives, motor tractors or heavy motor cars, but not including such a tractor as is mentioned in paragraph (3).

S. 24, R.T. Act, 1962 gives the Minister power to make regulations altering these ages.

(See Driving under age s. 5).

This section does not apply to tramcars and trolley vehicles (s. 259) and paragraph (4) does not apply to persons in the public service of the Crown (s. 250).

The Minister may by regulation specify that the minimum age of drivers shall not be less than 15 years in the case of motor cycles with a cylinder capacity not exceeding 50 cubic centimetres and fitted with pedals with which the motor cycles can be propelled (R.T. (Driving of Motor Cycles) Act, 1960).

vehicle (tramcars excepted) of any class or description unless he is the holder of a licence authorising him to drive a motor vehicle of that class or description. It is also an offence to employ a

authorising him to drive a motor vehicle of that class or description. A person without a licence may act as a steersman of a vehicle limited to 5 m.p.h. speed, or of a heavy goods vehicle if under the orders of a licensed driver (s. 98).

Tests of competence to drive. Subject to the provisions as to provisional licences (see later) a driving licence shall not be granted unless the following conditions are satisfied : that the applicant (a) has passed the test of competence to drive during the period of 10 years preceding the date of coming into force of the licence applied for ; or (b) has held a licence in the ten years, not being a provisional licence or a licence granted by virtue

Britain ; or (c) within a period of 10 years has held a licence granted under the law for the time being in force in Northern Ireland, the Isle of Man or the Channel Islands that corresponds with the R.T. Act, 1960 (other than a licence corresponding to a provisional licence or a licence granted under any provision of that law corresponding to s. 99(4) R.T. Act, 1960), and at the time of the application is not disqualified under that law for holding or obtaining a licence to drive vehicles of any class or

R.T. Act, 1962).

An applicant may apply to a magistrates' court to determine whether his driving test was properly conducted and another test may be ordered (R.T. Act, 1960, s. 99).

ation in the prescribed form as to his physical fitness, and if
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from his declaration or on inquiry it appears he is suffering from any disease or physical disability as is specified or is likely to cause driving by him to be a source of danger to the public, the licence shall be refused.

However, a licence to drive an invalid carriage may be granted if the applicant is considered fit to drive such carriage, and, except in the case of the prescribed disabilities (see later), an applicant may claim a test as to his fitness to drive so as to justify the grant of a licence which may be limited to the driving of vehicles of a particular construction or design.

suffering from such disease or disability as is likely to render his driving a source of danger to the public, but such licence holder, except in cases of prescribed disabilities (for which see later) may claim a driving test (s, 100).

If, in any proceedings for an offence committed in respect of a motor vehicle, it appears to the Court that the accused may be suffering from any disease or physical disability which would be likely to cause the driving by him of a motor vehicle to be a source of danger to the public, the Court must notify the licensing authority in whose area the accused resides, and if he holds a licence to drive a motor vehicle, also the authority, if known to the Court, by whom it was granted. (R.T. Act, 1962. s. 4).

Driving with ttncorrected defective eyesight. If a person drives a motor vehicle on a road while his eyesight is such (whether through a defect which cannot be or one which is not for the time being sufficiently corrected) that he cannot comply with any requirement as to eyesight prescribed under the Road Traffic Act, 1960, for the purposes of tests of competence to drive, he shall be guilty of an offence.

A constable having reason to suspect that a person driving a motor vehicle may be guilty of the above offence may require him to submit to a test for the purpose of ascertaining whether, using no other means of correction than he used at the time of driving, he can comply with the said requirements as to eyesight. Refusal to submit to the test is an offence. (R.T. Act, 1962. s. 42).

Grant of driving licences, fees etc. A driving licence is granted by the Council of the county or county borough in which the applicant resides. It may specify that the holder is restricted to driving a particular group, class or classes of motor vehicles. A driving licence shall remain in force for three years from the date of issue and the fee is 15s. (R.T. Act, 1960. s. 101).

Provisional licences. For the purpose of enabling a person to learn to drive a motor vehicle with a view to passing a test of competence to drive or a test of fitness to drive, a provisional licence may be granted for 10s. to be in force for 6 months. Failure to comply with the conditions prescribed shall be an

offence. Licensing authorities may refuse to grant a provisional licence to an applicant who has (a) held one during the preceding 12 months, and (b) held one that was valid within 12 months of the date when the last one became valid, unless he has taken a driving test during the currency of his last licence (or had good reason for not doing so) and has arranged to submit himself to a further test (s. 102). On and after 1st July, 1961, a provisional licence shall not authorise the driving of a motor cycle with a cylinder capacity exceeding 250 cubic centimetres [not being a vehicle having 3 wheels, until the holder has passed a driving test (R.T. Act, 1962, Sched. 4)]. (R.T. (Driving of Motor Cycles) Act, 1960, s. 2). For the purposes of s. 102 the maximum weight of motor cycles with 3 wheels, is reduced from 8 cwts. to 2 cwts. (M.V. (Variation of Weight) Regs., 1961.)

[Approved driving instructors. The Minister may maintain a list of approved driving instructors who are qualified to give instruction in the driving of motor vehicles. Regulations may be made prescribing an official title or description for use by persons registered as approved instructors and a form of badge or certificate which may be worn or displayed by such persons. Illegally

when in force)].

Appeal against refusal or revocation of licence. A person who is refused a driving licence or whose licence is revoked for physical unfitness may appeal to a magistrates' court for the area in which he resides (R.T. Act, 1960, s. 103).

Disqualification on conviction of certain offences. If a person is convicted of an offence specified in the first column of the Eleventh Schedule of the Act (see Appendix IV), the Court may order him to be disqualified for holding or obtaining a licence (subject to the limitations set out in the second column); and if the conviction is one specified in the third column as involving compulsory

for " special reasons " to order otherwise.

Compulsory disqualification shall not apply to a conviction of aiding, abetting, counselling or procuring, or inciting to, the commission of the offence, except in a case of dangerous driving (s. 2) an aider and abettor etc. may be disqualified if it is proved that he was present in the vehicle at the time of the commission of the offence. If a Court convicts for reckless or dangerous to drive while unfit through drink or a drug (s. 6), the Court in addition to any other penalty may order the accused to be disqualified until he has passed a driving test, (s.104).

A " special reason " is one which is special to the facts which constitute the offence. A circumstance peculiar to the offender is not a special reason (*R. v. Crossan* (1939), *Whittall v. Kirby*

(1946), *Knowler v. Rennisim* (1947), *Jowclt-Shooter v. Franklin* (1949), *Lines v. Hersom* (1951) and *K.v. Thomas George Wickins* (1958)).

[Statement of special reasons, etc. In any case where a Court

order any disqualification or endorsement, or to order a disqualification for a shorter period than would otherwise be required, it shall state the grounds for doing so in open court, and a Magistrates' Court must cause them to be entered in the

The above provisions of the R.T. Act, 1960, s. 104 will be replaced by R.T. Act, 1962, s. 5 (when in force) see below.

[Where a person is convicted of an offence specified in Part I of the First Schedule of the R.T. Act, 1962 (see Appendix V). the Court shall order him to be disqualified for not less than 12 months unless the Court for special reasons orders him to be disqualified for a shorter period or not at all. (R.T. Act, 1962. s. 5(1) *when in force*).

Where a person *is* convicted of an offence specified in Part II of the First Schedule of the Act, the Court may order him to be disqualified for such period as the Court thinks fit. (R.T. Act, 1962. s. 5(2) *when in force*).

Where a person convicted of an offence specified in either Part I or II of the First Schedule of the R.T. Act, 1962 has within the and since the commencement of that Act been convicted on not

particulars of the convictions have been endorsed on his licence, the Court shall order him to be disqualified for not less than 6 months unless the Court is satisfied, having regard to all the circumstances, that there are grounds for mitigating the normal consequences of the conviction and thinks fit to disqualify him for a shorter period or not at all. (R.T. Act, 1962. s. 5(3) *when in force*).

Where a person convicted of an offence under the R.T. Act, 1960, s. 6(1) (driving or attempting to drive while under the influence of drink or drugs), has within the ten years immediately preceding the commission of the offence been convicted of such an

the substitution of 3 years for 12 months. (R.T. Act, 1962. s. 5(4) *when in force*).

The period of any disqualification imposed under R.T. Act, 1960, s. 110 (b) (driving while disqualified) shall be in addition to any other period of disqualification imposed (whether previously, or on the same occasion) under this section or under R.T. Act, 1960, or an enactment repealed by R.T. Act, 1960,

or under the Motor Car Act, 1903. (R.T. Act, 1962. s. 5(5) *when in force*).

relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of an offence specified in Part I of the First Schedule as if the 1962,

s. 5(6) *when in force*.)]

Where a person is convicted of an offence specified in Part I or Part II of the First Schedule to the R.T. Act, 1962 (see Appendix V), the Court may, whether or not he has previously passed the test of competence to drive, and whether or not the Court makes an order under the foregoing provisions of this section, order him to be disqualified until he has, since the date of the order, passed that test. (R.T. Act, 1962. s. 5(7) *when in force*.)]

Appeal against disqualification. A person disqualified by an order of a Court for holding or obtaining a licence may appeal against the order in the same manner as against a conviction. The disqualification may be suspended pending the appeal (R.T. Act, 1960 s. 105).

Removal of disqualification. A person who by an order of a Court is disqualified for holding or obtaining a driving licence may apply to such Court to remove the disqualification. The Court may, having regard to the character of the person and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either remove the disqualification or refuse the application.

An application shall not be made for :

- (a)
- (b) one half of the period of disqualification, if it is for less than six years, but not less than a year, or
- (e) three years in any other case.

be substituted for paragraphs (a) to (c) above:

- (a) Two years if disqualification is for less than 4 years.
- (b) One half of the period of the disqualification if it is for less than 10 years, but not less than 4 years.
- (c) Five years in any other case.

This section does not apply in relation to disqualifications imposed before the commencement of the R.T. Act, 1962.]

After a refusal to remove the disqualification, a further application shall not be made for three months (R.T. Act, 1960, s. 106).

The procedure for applying for the removal is prescribed by M.C. Rules, 1952, (r. 78). Application to a magistrates' court is by complaint. A summons should be served on the police to show cause why the application should not be granted. Notice of any order made should be sent to the licensing authority.

Disqualification of persons under age. A person who is prohibited by reason of his age from driving a motor vehicle of any class or description is disqualified for holding or obtaining licence other than a licence authorising him to drive such motor vehicles, if any, as he is not by s. 97 forbidden to drive, (s. 107).

Effect of disqualification. A person is disqualified for obtaining as he is the holder of another licence authorising him to drive a motor vehicle of that class or description, whether the licence is suspended or not. (s. 108).

A licence shall be suspended (be of no effect) during the period of disqualification. A licence obtained by any person disqualified shall be of no effect, (s. 109).

Applying for or obtaining a licence, or driving whilst disqualified.-If a person disqualified for holding or obtaining a licence :

(a) applies for or obtains a licence while he is so disqualified.

or

(6) while he is so disqualified drives on a road a motor vehicle, or if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description, he shall be guilty of an offence, (s. 110).

Schedule of the Road Traffic Act, 1960 (see Appendix IV), may order that particulars of the conviction shall be endorsed on any licence held by him ; and particulars of a conviction so endorsed may be produced as prima facie evidence of the conviction. Where a person is disqualified particulars of the disqualification shall be endorsed on his licence. An order for endorsement operates as an order that any licence held at the time or subsequently obtained shall be so endorsed until the holder becomes entitled to have a licence free from endorsement. If an order for endorsement is made, the offender : -

(1) if he holds a licence, shall, if so required by the court, produce his licence for endorsement within five days or such longer time as the court may fix,

(2) if he does not hold & licence but subsequently obtains one, shall within five days after obtaining it produce it to the court for endorsement.

Failure to do so is a summary offence and the licence becomes suspended from the expiration of such time until it is so produced. However, in cases of prosecution for dangerous driving, careless driving, driving or attempting to drive a motor vehicle when unfit to drive through drink or drugs and exceeding a statutory speed limit, the defendant shall have his driving licence in court or send

it to the clerk of the court to reach him not later than the day

of the licence, and if it is not then produced to the court, the holder shall be guilty of an offence and the licence becomes suspended until it is produced to the court. On the issue of a new licence, any endorsements on the previous licence shall be copied on to the new licence unless the holder is entitled to have a licence free from endorsements. If any person whose licence has been ordered to be endorsed and who is not entitled to have a clear licence applies for or obtains a licence without giving particulars of the order, he commits an offence and any licence so obtained shall be of no effect. A person is entitled to a licence free from endorsement

period of three years, or upwards, and in reckoning this continuous period of three years, any period during which he was disqualified

conviction will count against him for only one clear year. (s. 111).

The above provisions of R.T. Act, 1960 s. 111 will be replaced by R.T. Act, 1962, s. 7. (*When in force*) see below.

[Where a person is convicted of an offence specified in Part I or Part II of the First Schedule to the R.T. Act, 1962 (see

and, if the court orders him to be disqualified, particulars of the disqualification shall be endorsed on any licence held by him; and particulars of any conviction or disqualification so endorsed may be produced as prima facie evidence of the conviction or disqualification. (R.T. Act, 1962, s. 7(1) *when in force*).

If the court does not order the said person to be disqualified, it need not order particulars of the conviction to be endorsed if

cation to which the convicted person has become subject are

the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain shall

to him free from the particulars. (R.T. Act, 1962, s. 7(3) *when in force*),

or Part II of the First Schedule to the R.T. Act, 1962 (see

day before the hearing, or (b) post it, at such a time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the clerk and either registered or sent by recorded delivery service; or (c) have it with him at the hearing; and if he is convicted of the offence and the court

makes an order under s.s. (1) of this section, the court shall require the licence to be produced to it for endorsement; and if the offender has not posted the licence or caused it to be delivered and does not produce it as required, he commits an offence, and the licence shall be suspended from the time when its production was required until it is produced to the court and shall while suspended be of no effect. (R.T. Act, 1962, s. 7(4) *when in force*).

On the issue of a new licence to a person, any particulars ordered to be endorsed on any licence held by him shall be entered on the licence unless he has become entitled to have a licence issued to him free from those particulars. (R.T. Act, 1962. s. 7(5) *when in force*).

any particulars and who has not previously become entitled to have a licence issued to him free from those particulars applies for or obtains a licence without giving particulars of the order, he commits an offence and any licence so obtained shall be of no effect. (R.T. Act, 1962. s. 7(6) *when in force*).

Where an order has been made in respect of a person under this section or any previous enactment requiring any licence held by him to be endorsed with any particulars, he shall be entitled either on applying for the grant of a licence or, on payment of a fee of 5/- and surrendering his licence, on application at any time to have issued to him a new licence free from the particulars, if the application is made not less than 3 years after the date of the conviction on which the order was made or, if it was a conviction for driving or attempting to drive while unfit to do so through drink or drugs, not less than 10 years after that conviction. [R.T. Act, 1962. s. 7(7) *when in force*.]

Where a Court has ordered a licence to be endorsed or ordered a disqualification, the court must notify the licensing authority which granted the licence and the licensing authority where the person resides. In case of disqualification the court shall forward the licence to the authority which granted it. The authority shall keep it until disqualification ceases and the owner applies in writing for its return. (R.T. Act, 1960. s. 112).

Northern Ireland drivers' licences. The holder of a driving licence (in force) granted in Northern Ireland may drive in Great Britain, under the terms of his licence, provided the Minister of Transport has certified as satisfactory the driving licence system of Northern Ireland. The Minister so certified on December 1st 1930. Such a driver is bound to produce his licence for exam

he must give his licence to the Court for transmission to the Minister of Transport, to whom also a Court shall send particulars of any conviction of any such driver which it considers ought to be endorsed on his licence (s. 116 and R.T. Act, 1962. Sched. 4).

Motor Vehicles (Driving Licences) Regs., 1950. An applicant

for a licence to drive *a*. motor vehicle shall supply particulars on the prescribed application form, and pay the fee (Reg. 4).

If he suffers from epilepsy; mental disorder or severe sub-normality; sudden attacks of disabling giddiness or fainting; inability to read at 25 yards in good daylight (with glasses, if worn) the identification marks of a motor car, he cannot get a driving licence and is not entitled to claim a driving test (Reg. 5).

The prescribed test of competence to drive includes knowledge of the Highway Code ; competence to properly drive a vehicle of the same class as that on which tested ; ability to read a motor car number plate at 25 yards ; ability to manipulate the engine, to stop, reverse, turn, signal and obey signals (Reg. 6 and 3rd Sch.).

Examiners appointed by the Minister of Transport will conduct the tests for members of the general public, and Crown Departments, Police, Fire Brigades and certain employers may test their employees (Regs. 7, 8 and 9).

Any person requiring a test may apply to the clerk of the Licensing Authority (Reg. 10).

A person who passes the test will be given a certificate to that

his driving licence can be issued (Reg. 11).

If a person fails he must wait a month before another test can be given (Reg. 12). An applicant must provide a motor vehicle for the test (Reg. 13), and pay the fee (Reg. 14). See M.V. (Driving Licences) (Amendment) Regs., 1956 and 1957.

Non-resident holders of foreign driving licences and permits need not be so tested (Reg. 15). (1957 Regs.).

Provisional licences (to learn) are granted subject to the condition that until the holder has passed a test he shall, except in case of a vehicle (other than a motor car or an electrically propelled goods vehicle exceeding 16 cwts.) which is not constructed or adapted to carry more than one person, be supervised in his

of vehicle and who has passed a test or has held a driving licence for 2 years and the vehicle shall display the prescribed letter " L " (in red on white ground) on front and rear of the vehicle. Also the learner driver of a solo motor cycle with seat made for carriage of passenger must not carry on his motor cycle any person who is not qualified to drive a motor cycle (Reg. 16) but this requirement does not apply to a pedal cycle of the tandem type to which additional means of propulsion by mechanical means are attached (Amendment Regs., 1950).

A person granted a driving licence shall forthwith sign it in ink,

entitled to demand its production it does not bear his usual signature in ink he shall be guilty of an offence (Reg. 17).

The Licensing Authority shall keep a record of driving licences

(and endorsements) and shall supply to the police without fee. on application, a copy of the particulars of any licence granted by them (Regs. 19, 20).

For other driving licences see " Public Service Vehicles " and " Goods Vehicles," Chap. 25.

Compulsory Insurance or Security against Third Party Risks. It shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person such a policy of insurance or covering note, or such a security in respect of third-party risks as complies with the Act. This does not apply to invalid carriages.

proves that the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan, that he was using the vehicle in the course of his employment and that he neither knew, nor had reason to believe that there was not in force in relation to the vehicle a policy of insurance or security (s. 201). (Note : it is " use " not "drive.") The section does not apply to tramcars and trolley vehicles (s. 259).

The above does not apply to a vehicle owned by a person who has deposited and keeps deposited the sum of fifteen thousand pounds as laid down in the section, nor does it apply (a) to a vehicle owned by a local authority at a time when the vehicle is being driven under the owner's control, nor (b) to a vehicle owned by a police authority at a time when it is being driven under the owner's control, or to a vehicle at a time when it is being driven for police purposes by or under the direction of a police constable, or by a person employed by a police authority, nor (c) to a vehicle driven for salvage purposes under the Merchant Shipping Act,

furnished in pursuance of a direction under s. 166(2)(b) of the Army Act, 1955 or the corresponding provision of the Air Force Act, 1955 (s. 202). The section does not apply to tramcars and trolley vehicles (s. 259).

Policies of Insurance etc. A policy of insurance must satisfy the following conditions : It must be issued by an authorised insurer. It must insure such person, persons or classes of person as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of, or bodily injury to any person caused by, or arising out of, the use of the vehicle on a road, and it must also insure him or them in respect of any liability which may be incurred by him or them under the provisions relating to payment for emergency treatment. However, it shall not be required to cover liability in respect of the death of or bodily injury to persons being carried in or upon, or entering or getting on to, or alighting from, the

vehicle at the time of the occurrence of the event out of which the claims arise (this shall not have effect in the case of a vehicle in which passengers are carried for hire or reward or by reason or in pursuance of a contract of employment), or liability in

ment, of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out, and in the course of his employment, or any contractual liability (s. 203). The section does not apply to tramcars and trolley vehicles (s. 259).

A " security " is an undertaking to make good, up to at least £5,000 (£25 000 in case of public service vehicles) any liability (third party risks) required to be covered by a policy of insurance. The requirements in respect of such a " security " are contained in s. 204, which does not apply to tramcars and trolley vehicles (s. 259).

is delivered by the insurer to the " insured " a " certificate of insurance " in the prescribed form. (Policy of insurance includes a covering note.) A security shall be of no effect unless and until

a " Certificate of security " in the prescribed form. The holder of a certificate of insurance, shall within 7 days, surrender it to the insurer if the policy is cancelled by consent or by virtue of any provision in the policy. If the certificate is lost or destroyed he shall make a statutory declaration to that effect. These provisions of the Act apply also to a certificate of security. Failure to comply with these provisions is an offence (s. 205). The section does not apply to tramcars and trolley vehicles (s. 259).

Certain restrictions on the scope of a policy covering third party risks, limiting the age or mental or physical condition of drivers, the condition of the vehicle, the number of persons carried, the goods carried etc. shall be of no effect as regards the liabilities for third-party injuries which must be covered under s. 203. The insurer in such case remains liable but he may recover from the insured person any money he has paid (s. 206).

It will be the duty of a person against whom a claim is made in respect of any liability for death or bodily injury arising out of the use of a motor vehicle on a road to give particulars of his insurance to the person making the claim. To fail to do so, or to give false information is an offence (s. 209).

If any payment is made by an insurer in respect to death or bodily injury arising out of the use of a motor vehicle and the person has received treatment at a hospital the insurer shall pay the reasonable hospital expenses up to £50 per in-patient and £5 per out-patient (s. 212).

If bodily or fatal injury to a person is caused by or arises out of the use of a motor vehicle on a road and emergency medical

or surgical treatment or examination is immediately required and effected by a doctor or hospital, the person who was using the vehicle at the time is responsible for payment for same at the rate of 12.s. 6d. per person so treated, and mileage in excess of two miles at *fid.* per mile (s. 213).

A claim for payment for such emergency treatment may be made orally at the time or in writing (personal delivery or reg- and the amount will be recoverable as a simple contract debt. The available as to the vehicle and its driver (s. 214).

The Motor Vehicles (Third Party Risks) Regs. 1961, deal with these certificates and prescribe the particulars which must be inscribed

nature of the " insurance ":

(1) A certificate of motor insurance (Form A or Form B). This will be signed by the insuring person or company and will give the name of the policy holder, the effective date of com

entitled to drive, the limitations as to use, and either the identification mark of the vehicle or the description of vehicle insured (Reg. 5).

A covering note may precede issue of certificate of insurance.

(2) A certificate of security (Form D). This will be signed by the authorised person, and will give the name of the holder of security, the effective date of commencement and date of expiry, and the conditions to which security is subject (Reg. 5).

(3) A certificate of deposit (Form E). This will give the identification mark of the vehicle, will certify the owner has deposited the £15,000, and will be signed by the owner of the vehicle (Reg. 7).

(4) A certificate of ownership by a local or police authority (Form F). This will give the identification mark of the vehicle and will be signed by someone on behalf of the authority (Reg. 7).

(5) An International Motor Insurance Card. See "Foreign

If the holder of a policy or security is entitled to drive any motor vehicle other than that specified in it, he may have a further certificate of insurance or security (Reg. 5).

necessary certificate of insurance or security (or evidence that the vehicle is properly insured or is exempt from insurance). But this does not apply to persons who let motor vehicles on hire as regards any such vehicle intended to be used solely for such purpose and driven by the hirer or persons under his control (Reg. 9).

Insuring companies, local authorities and persons depositing

£15,000, must keep a record of the certificates they issue and of the vehicles concerned, and are bound to furnish particulars to the police on request (Reg. 10).

Any contravention of or failure to comply with these regulations renders the offender liable to a fine of £20 (Reg. 14).

NOTE. The Motor Insurers' Bureau may pay compensation to a person injured by a non-insured vehicle. Any insurance office will supply information on this matter.

Taking, motor vehicle without authority. A person who takes of the owner thereof or other lawful authority or knowing that a carried in or on it without such consent or authority commits an proceedings the Court, are satisfied that the accused acted in the reasonable belief either that he had lawful authority or that the owner would, in the circumstances, have given his consent if he had been asked therefor, the accused shall not be liable to conviction. If a person is indicted for stealing a motor vehicle the and s. 44 R.T. Act, 1962).

A police constable may arrest without warrant a person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

The offence can be committed anywhere ; " road " is not mentioned in the section. Any unlawful moving of the vehicle constitutes " taking away " (*Shimmell v. Fisher* (1951)).

If the vehicle is not moved but it is clear that a person is in it without lawful authority or cause and obviously about to drive it away it would be an attempt to commit the offence and therefore also a common law misdemeanour and in any case it would be an offence under s. 218 of the Act.

Under s. 19 and First Schedule M.C. Act, 1952, an attempt to commit any indictable offence which may be dealt with summarily, may be dealt with summarily. Therefore an attempt to take and drive away a motor vehicle without authority, being indictable, can be dealt with summarily if the accused consents. See *R. v. Fussell* (1951).

Tampering with motor vehicles. If, while a motor vehicle is on a road or on a parking place provided by a local authority, a person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with the brake or other part of its mechanism, he commits an offence (s. 218). This may be action preparatory to stealing or likely to cause damage.

Holding on to a vehicle while in motion. If a person otherwise than with lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion

that the accused did so with lawful authority or excuse).

Protective helmets for motor cyclists. The Minister may make regulations prescribing types of helmets for affording protection to persons on or in motor cycles, from injury in the event of accident. It is an offence to sell any helmet as one affording such protection if the helmet sold is not of a type prescribed by the

41 *when in force).*]

(For police powers to regulate traffic : see s. 14).

Weighing of Motor vehicles. Any person authorised by a high-authority by a police authority or a chief officer of police, on production of his authority, may require the person in charge to

allow a motor vehicle or its trailer to proceed to a weighbridge
 ever,
 such person or constable should not require such vehicle to be
 unloaded for the purpose of weighing it unladen. When so
 weighed, a certificate of the weight must be given to the driver.
 If the weight proves to be within the legal limit and the vehicle
 has had to travel more than a mile to the weighbridge, the highway
 authority shall pay for loss occasioned. A certifying officer or
 examiner may at any time, on production of his authority,

such
 person as follows, that is to say (a) a person driving a motor vehicle
 on a road, or (b) a person whom a police constable has reasonable
 cause to believe to have been the driver of a motor

cause to believe to
 have committed an offence in relation to the use of a motor vehicle
 on a road, or (d) a person who accompanies the holder of a
 provisional driving licence while the holder is driving a motor
 vehicle on a road, or whom a police constable has reasonable
 cause to believe to have accompanied the holder of such a licence
 while driving at a time when an accident occurred owing to the
 presence of the vehicle on a road or at a time when an offence is
 suspected of having been committed by the said holder in relation
 to the use of a vehicle on a road, shall on being

ation so as to
 enable the constable to ascertain the name and address of the
 holder of the licence, the date of issue and the authority by which
 it was issued.

Where a driving licence has been revoked by a licensing
 authority under s. 100 R.T. Act, 1960 (due to disease or physical
 disability) and the holder has failed to deliver it for cancellation,
 a police constable may require him to produce it, and then may
 seize it and deliver it to the licensing authority.

A constable, on reasonable belief that a driving licence was
 obtained by false statement, may require the holder to produce it.
 Failure to do so is an offence ; however, if the holder produces

he shall not be convicted of this offence (s. 225).

person
 as follows, that is to say (a) a person driving on a road a motor
 vehicle (other than an invalid carriage) ; (b) a person

at a time
 when an accident occurred owing to its presence on a road ; or
 (c) a person whom a police constable has reasonable

cause to believe to have committed an offence in relation to the use on a road of a motor vehicle (other than an invalid carriage) shall, on being so required by a police constable, give his name and address, and the name and address of the owner of the vehicle, and produce for examination (1) the certificate of insurance or security, or such other evidence that the vehicle was not being driven in contravention of s. 201 as may be prescribed by regulations (see Motor Vehicles (Third Party Risks) Regs. 1961), and (2) a test certificate required under s. 66. Failure to do so is an offence. However, if the " certificate " is

by him at the time of such demand, he shall not be convicted of the offence by reason only of failure to produce his " certificate."

A person who accompanies the holder of a provisional licence while the holder is driving a motor vehicle (other than an invalid carriage) on a road, or whom a police constable has reasonable cause to believe to have accompanied the holder of such a licence while driving at a time when an accident occurred owing to the presence of the vehicle on a road, or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road, shall, on being so required by a police constable, give his name and address, and the name and address of the owner of the vehicle. Failure to do so is an offence (s. 226). " Owner " in relation to a vehicle which is the subject of a hiring agreement includes each party to the agreement (R.T. Act, 1962. 4th Sched.).

This section applies to vehicles and persons in the public service of the Crown in so far as the production of test certificates and the giving of names and addresses are concerned (R.T. Act; 1960, s. 250).

Powers of certifying officers, examiners and police re goods vehicles. A certifying officer, or an examiner may at any time, on production if so required of his authority, require the person in charge of any goods vehicle (that the officer or examiner has the right to inspect) to produce, and permit him to inspect and copy any document which under Part IV of the Act must be carried on, or by the driver of the vehicle, and for that purpose may detain the vehicle for such time as is required for the inspection and copying. Failure to comply with such requests is an offence.

Similar powers are given to a police constable, except that it shall not be necessary for a police constable wearing uniform to produce any authority.

A certifying officer or an examiner may at any time, on production if so required of his authority, exercise in the case of goods vehicles (within the meaning of Part IV of the Act) all such powers as are exercisable by a police constable under ss. 225(1) and 226 of the Act (s. 227).

Failure to give name and address, and power of arrest in cases of dangerous or careless driving or cycling. Any such person as the following, namely (a) the driver of a motor vehicle who alleged to have committed an offence of dangerous (ss. 1 and 2) or careless (s. 3) driving or (b) the rider of a bicycle or tricycle who is alleged to have committed an offence of dangerous (s. 9) or careless (s. 10) cycling ; who refuses, on being so required by any person having reasonable ground for so requiring, to give his name or address, or gives a false name or address commits an offence.

A police constable may (a) arrest without warrant the driver of a motor vehicle who within his view commits an offence of dangerous (ss. 1 and 2) or careless (s. 3) driving, unless the driver either gives his name and address or produces his licence for examination ; (b) arrest without warrant the rider of a bicycle or tricycle who within his view commits an offence of dangerous (s. 9) or careless (s. 10) cycling, unless the rider gives his name and address, (s. 228).

Driver to produce insurance certificate or report " injury" accidents. If in any case where, owing to the presence on a road of a motor vehicle (other than an invalid carriage), an accident occurs involving personal injury to another person, the driver of the vehicle does not at the time produce to a police constable or some person who, having reasonable grounds for so doing, has required its production, such a certificate of insurance or security, the driver shall as soon as possible, and in any case within 24 hours, report the accident at a police station or to a police constable and produce his " certificate." Failure to do so is an offence ; however, he shall not be convicted by reason only of a failure to produce his " certificate " if within 5 days after the accident he produces it in person at a police station specified by him at the time the accident was reported, (s. 230).

The owner of a motor vehicle is bound to give such information as he may be required by or on behalf of a chief officer of police to give for the purpose of determining whether the use of the vehicle was or was not properly insured on any occasion when the driver was bound, under this section, to produce his certificate. Failure to do so is an offence (s. 231). " Owner " in relation to a vehicle which is the subject of a hiring agreement includes each party to the agreement. (R.T. Act, 1962. Sched. 4).

Information to be given as to identity of drivers. Where the driver of a vehicle is alleged to be guilty of certain specified offences under the Act, of any offence under the Road Transport Lighting Act, 1957, or of an offence under any other enactment relating to the use of vehicles on roads ; the owner of the vehicle shall give such information as to the identity of the driver as he

and any other person (including the driver himself See *Bingham*

v. *Bruce* (1962)) shall, if so required, give any information which it is in his power to give and which may lead to the identification of the driver. In this instance the driver of a vehicle includes the person riding a bicycle or tricycle. In the case of any offence relating to parking places (s. 88) this power to require information from the owner shall be exercisable, in writing, by the local authority for the parking place. Failure to comply with these requirements is an offence, unless the owner of the vehicle shows to the satisfaction of the Court that he did not know and could not with reasonable diligence have ascertained who the driver or rider was (R.T. Act. 1960. s. 232).

Forgery of documents.- A person commits an offence who, with intent to deceive (a) forges or alters, or uses or lends to, or allows to be used by, any other person, a document or other thing to which s. 233 of the Act applies, or (b) makes or has in his possession any document or other thing so closely resembling such a document or other thing as to be calculated to deceive. "Forges" has the same meaning as under the Forgery Act, 1913. This offence is triable summarily or on indictment. The documents mentioned include : any licence under the Act, any test certificate, any document, plate or mark necessary for goods vehicles under the Act, any document evidencing the appointment of an examiner of goods vehicles, and any certificate of insurance or security or other document in lieu thereof, any ticket issued by a parking meter, [and any badge or certificate prescribed for approved driving instructors *when in force*], (s. 233 and R.T. Act, 1962. 4th Sched.).

False statements and withholding information. A person shall be guilty of an offence who knowingly makes a false statement for the purpose (a) of obtaining the grant of a licence under the Act to himself or any other person, or the variation of any such licence, or (b) of preventing the grant or variation of any such licence, or (c) of procuring the imposition of a condition or limitation in relation to any such licence. A person shall be guilty of an offence who makes a false statement or withholds any material information for the purpose of obtaining the issue of a certificate of insurance or security or any document in lieu thereof (R.T. Act, 1960. s. 235).

Issue of false documents. If a person issues any certificate of insurance or security or a test certificate which is to his knowledge false in a material particular, he commits an offence (s. 236).

Power to seize articles with respect to offences. If a police constable has reasonable cause to believe that a document produced to him in pursuance of the provisions of the Act is one which has been forged or falsified he may seize the document, and the person from whom it was taken shall, unless the document has previously been returned to him, or he has been previously charged with an

offence under ss. 233-236 of the Act, be summoned before a Magistrates' Court to account for his possession of the said document and the Court shall make an order respecting the disposal of the document.

If a police constable, a certifying officer or an examiner has reasonable cause to believe that a document or plate carried on a motor vehicle or by the driver is a document or plate in relation to which an offence has been committed under ss. 233-236 of the Act in so far as they apply (a) to carriers' licences, or (b) to documents or plates by which vehicles are to be identified as being authorised vehicles, or (c) to documents evidencing the appointment of examiners or other officers under Part IV of the Act, or (d) to records of hours etc., he may seize the document or plate. The driver or the owner of the vehicle shall, if the document or plate is still detained and neither has previously been charged with an offence under ss. 233-236 of the Act, be summoned before a Magistrates' Court to account for his possession of, or the presence on the vehicle of, the document or plate, and the Court shall make an order respecting the disposal of the document or plate.

The power to seize includes the power to detach from a vehicle, (s. 237).

Personation of "authorised examiners." If a person with intent to deceive falsely represents himself to be, or to be employed by, a person authorised by the Minister under s. 65 of the Act as an "authorised examiner" (to test the fitness of vehicles) he shall commit an offence (s. 238).

who acts in contravention of, or fails to comply with, any regulations made by the Minister under the Act shall be guilty of an offence.

Restrictions on prosecutions for certain offences. Where a person is prosecuted for (a) reckless or dangerous driving (s. 2),

cycling (s. 10), failing to comply with traffic directions (s. 14), leaving a vehicle in a dangerous position (s. 16) or exceeding a speed limit (s. 4 1960 Act and s. 13(6) of 1962 Act), he shall not be convicted unless either (a) he was warned at the time the offence was committed that the question of prosecuting him for some one or other of the offences would be taken into consideration, or (b) within 14 days of the commission of the offence a summons was served on him, or (c) within the said 14 days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post or recorded delivery service to him or the person registered as the owner of the vehicle at the time of the offence. The notice shall be deemed to have been served on any person if it was sent by

R.T. Act, 1962, shall apply to vehicles and persons in the public service of the Crown with the exception of ss. 34, 37 to 41 (inclusive), 48, 49, 50, 81 and 91 of R.T. Act, 1960. The following sections of R.T. Act, 1960 will apply to such vehicles and persons :

vehicle to which s. 66 applies, although he or the driver is or was at the time in the service of the Crown. The restrictions in the Act limiting the number of trailers drawn (s. 69), limiting the driver's hours of duty (s. 73) and preventing persons under 21 from driving heavy motor vehicles (s. 97) shall not apply in the

ment, or the Air Ministry, and used for naval, military or air force purposes, nor in the case of vehicles so used while driven

for an offence under this Act in connection with a vehicle in the service of the Crown, the person responsible will be the person named in that behalf by the department concerned unless it is shown that the driver or rider only was responsible.

The speed limits applicable to motor vehicles may be varied in relation to vehicles of the armed forces of the Crown or used for salvage purposes, (ss. 250-251).

No speed limit is imposed on motor vehicles for combative purposes, training, conveyance of personnel, use with guns, mobile cranes for aircraft, tracklayers for combat or guns, fire tenders and ambulances, owned by the Admiralty, the War Department or the Air Ministry and used for naval, military or air force purposes or vehicles so used while being driven by persons for the time being subject to the orders of any member of the armed forces of the Crown or on motor vehicles used for salvage purposes pursuant to Part IX of the Merchant Shipping Act. 1894 (Motor Vehicles (Variation of Speed Limit) Regs., 1947)

These exemptions also apply to vehicles in the service of a

The speed limits prescribed shall not apply in the case of vehicles while being used in the conduct of experiments or trials under s. 6, Roads Improvement Act, 1925 or s. 249 Highways Act. 1959. (R.T. Act, 1960, First Sched.)

means a mechanically propelled vehicle intended or adapted for use on roads, and " trailer " means a vehicle drawn by a motor vehicle.

Provided that a side-car attached to a motor cycle shall, if it complies with such conditions as may be specified in regulations

made by the Minister, be regarded as forming part of the vehicle to which it was attached and not as being a trailer.

a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers,

be specified in regulations made by the Minister, does not exceed 3 tons ; (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3 tons, or 3½ tons if the vehicle carries a container or containers for holding for the purpose of its propulsion any fuel which is

mercury or plant and materials for producing such fuel ; (c) does not exceed 2½ tons in a case falling within neither of the foregoing.

" Heavy motor car " means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds 2½ tons.

" Motor cycle " means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 8 cwt.

" Invalid carriage " means a mechanically propelled vehicle the weight of which unladen does not exceed 5 cwt. and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person.

" Motor tractor " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools

exceed 7½ tons.

" Light locomotive " means a mechanically propelled vehicle which is not constructed itself to carry a load, other than any of

exceed 11½ tons but does exceed 7½ tons.

which is not constructed itself to carry a load, other than any

11½ tons.

For the purposes of the section, in a case where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load.

For the purposes of this section, in the case of a motor vehicle

fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be

but shall be deemed to form part of the vehicle (s. 253).

purposes of the R.T. Act, 1960 (except the provisions of ss. 164 to 191 and 13th Schedule, which deal with the regulation of carriage of goods by road) (a) a mechanically propelled vehicle for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose, and (b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by Regulations shall be treated as not being a motor vehicle. "Controlled by a pedestrian" means that the vehicle either (a) is constructed or adapted for use only under such control, or (b) is made or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it (s. 254).

Weight of motor vehicles. The weight unladen of a vehicle means the weight of the vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road but exclusive of the weight of water, fuel or accumulators used for its propulsion, and of loose tools and loose equipment (s. 255).

Definitions. "Bridleway" means a way over which the public have the following, but no other rights of way, that is to say, a right of way on foot and a right of way on horseback or leading

along the way.

Except for the purposes of ss. 1 and 88, "Driver," where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and "drive" shall be construed accordingly.

A person steering a towed broken down motor vehicle is not a driver (*Wallace v. Major* (1946)).

A person who steers a motor vehicle down a slope without the engine running is a "driver" (*Saycell v. Bool* (1948)).

"Footpath" means a way over which the public have a right of way on foot only.

"Owner," in relation to a vehicle which is the subject of a hiring or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

"Road," means any highway and any other road to which the

v. Marx (1932)).

" Tramcar " includes any carriage used *on* any road by virtue of an order made under the Light Railways Act, 1896.

" Trolley Vehicle" means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source, (*a.* 257).

Tramcars and Trolley Vehicles. None of the following provisions of the Road Traffic Act, 1960, and no orders or regulations made under those provisions shall apply to tramcars or trolley vehicles :

64, 66, 68, 69, 72 and 73 ; and the following provisions shall not apply to tramcars : Ss. 2, 3, 6(1) and 78.

Ss. 97 to 116 (inclusive) shall not apply to tramcars and Ss. 97 and 166 shall not apply to trolley vehicles.

S. 164 shall not apply to tramcars or trolley vehicles.

(inclusive) 226, 228, 230, 231. 241, 255 and 256 shall not apply to tramcars or trolley vehicles and S. 225 shall not apply to tramcars. (s. 259).

Nuisance. Nothing in the Road Traffic Act, 1960 shall authorise a person to use on a road a vehicle so constructed or used as to cause a public or private nuisance or affect the liability whether under statute or common law of the driver or owner so using such a vehicle, (s. 269).

Police Powers Road Traffic Act, 1960. When a motor vehicle is on a road, this Act gives a constable certain powers regarding it, its driver, its owner, and the person in charge of it. These powers may be summarised as follows :

(1) Stop the vehicle a constable in uniform can so require at any time (s. 223).

(2) Traffic signals the driver of any vehicle must obey a constable regulating traffic (s. 14).

(3) Name and address of driver and of owner must be given by driver on request (s. 226).

(4) Driving licence driver, on request, must produce it for examination, either then or within five days at a specified police station (s. 225).

(5) Insurance " certificate " driver, on request, must produce it at the time or cause it to be produced within five days at a specified police station (s. 226).

If personal injury has happened and if it is not produced at the scene, the driver within twenty-four hours must report the accident at a police station or to a constable, and also produce his " certificate," either then or within five days at a specified police station (s. 230).

(6) False documents, seizure on reasonable cause to believe

a licence, " certificate," plate, etc., is forged, false, altered, or used with intent to deceive it may be seized (s. 237).

(7) Arrest without warrant when person driving, attempting to drive or in charge of a motor vehicle or riding a pedal cycle is unfit to drive, or ride a bicycle through drink or drug (ss. 6 and 11).

When driving a motor vehicle recklessly, dangerously or carelessly, unless driver gives name and address or produces licence, or when riding a bicycle recklessly, dangerously or carelessly, unless rider gives name and address (s. 228).

When suspected of attempting to take or having taken a motor vehicle without lawful authority (s. 217). This has been extended by s. 44 of R.T. Act, 1962 to apply to a person who knowing that a motor vehicle has been so taken drives it or allows himself to be carried in or on it without such consent or authority.

(8) Information owner must give information as to the identity of driver alleged to be guilty of an offence to which R.T. Act, 1960, s. 232 applies, also any other person must give any information in his power to give which may lead to such identification.

Owner must give information as to driver, insurance, etc., of vehicle on any occasion on which driver was bound to produce his insurance " certificate " (s. 231).

Police shall supply information to enable recovery of payment for emergency treatment (s. 214).

(9) Weighing when a constable, authorised on behalf of the highway authority by his Police Authority or Chief Officer produces his authority he can require the person in charge of a motor vehicle to allow it to be weighed (s. 224).

(10) Eyesight A constable having reason to suspect a motor driver to be driving with unconnected defective eyesight may require him to submit to a test. (R.T. Act, 1962, s. 42).

Lights on Vehicles. The use of lights on vehicles at night is regulated by the Road Transport Lighting Act, 1957, as amended by the Road Transport Lighting (Amendment) Act, 1958. References are to the Act of 1957 unless otherwise stated.

These Acts regulate the lighting of vehicles (including vehicle machines and implements) used " during the hours of darkness " on any public highway and any other road to which the public has access but do not apply to trams or vehicles used on railway lines (s. 16). Provisions as to the position, etc., of the lamps and

Regulations, 1959 (as amended by 1961 Regs.), and the Road

Vehicles Lighting (Standing Vehicles) (Exemption)
(General) Regs., 1956.

Hours of darkness. Night is referred to in the Acts as the " hours of darkness " which, by s. 17 of the 1957 Act means the time between half an hour after sunset and half an hour before sunrise, throughout the whole year.

Lights and Reflectors to be carried on Vehicles. During the hours of darkness every lamp shall be kept properly trimmed, lighted, and in a clean and efficient condition (s. 1) and shall be attached to the vehicle in the prescribed manner. Also any person who causes or permits a vehicle to be on any road during the hours of darkness must provide the necessary lamps (s. 1).

A vehicle shall not show a red light to the front, and it shall not show any light to the rear other than a red light, apart from any lamps used for illuminating the inside of the vehicle or any number plate, taximeter, or signalling device, or any route or destination boards of any public service vehicle (s. 2), but lamps may show white light to the rear for the purpose of reversing (s. 2) and bicycles and tricycles may carry amber coloured reflectors on the pedals (1958 Act, s. 1). An ambulance, police, fire brigade and fire salvage vehicle may carry a lamp displaying a blue light to the rear, and a road clearance vehicle may carry a lamp displaying an amber light to the rear, and also amber reflecting surfaces. (R.V.L. (A) Regs. 1961).

(1) *Lights on Road Vehicles Generally.* The lights to be carried on all vehicles (except those dealt with individually below) are as follows :

(a) Two lamps showing white light to the front (1957 Act, s. 1). These are known as " obligatory front lamps " (Regs., 1959, r. 3).

(6) Two lamps showing red light to the rear (s. 1). These are known as " obligatory rear lamps " (1959 Regs., r. 3).

(2) *Pedal cycles and tricycles.* Only one front white light and one rear red light are necessary for a solo bicycle or a tricycle not propelled by mechanical power, which also must have a red rear

No lamp need be carried by a solo bicycle or a tricycle not as near as possible to the left or near edge of the carriage-way (s. 6).

Lights need not be shown when a bicycle or a tricycle not propelled by mechanical power is stationary owing to traffic to the near side of the carriage-way (s. 6).

car
must have one front white lamp and one red rear lamp and

it should have two such front and rear lamps and two red rear reflectors.

(3) whose weight unladen does not exceed 5 cwt. and which are specially made for and used by disabled persons (s. 17). Such a vehicle need show only one white light to the front (s. 6). It must carry two red rear lights and two red reflectors (s. 1).

(4) *Motor Cycles.* If no sidecar is attached, only one white light to the front and one red light to the rear are necessary also one red rear reflector (s. 6). No lights are necessary whilst such a solo bicycle is being wheeled by a person on foot as near as possible to the left or near edge of the carriageway (s. 6).

A motor cycle combination shall have two front white lights (which need not be at the same height from the ground (R.V.L. Regs., 1959, r. 5) and two red rear lights also two red reflectors (s. 1). Whilst being wheeled on the road such combinations shall show all the obligatory lights.

(5) lights, two red rear lights, and two red rear reflectors are necessary (s. 1). By s. 4 of the Act, it is however provided that a vehicle need not carry separate lamps for different purposes if it carries a lamp satisfying all requirements for those purposes in itself. This would seem to allow horse carts, etc., to continue to use lamps showing white light to the front and red light to the rear.

(6) *Animal-drawn vehicles used for agricultural purposes.* These vehicles when engaged for the time being in carrying agricultural produce of an inflammable nature in the course of the internal operations of the farm need not carry lamps (s. 7).

An agricultural implement being so drawn, or any animal-drawn vehicle used for the time being by a person engaged in agriculture for the conveyance of his agricultural produce or articles required by him for use in agriculture, must show one white light to the front attached to the right or off-side of the vehicle (s. 7). Two red rear reflectors are necessary (s. 1). If the vehicle or implement carries a projecting or overhanging load it will be subject to the provisions as to such (see below) with the substitution of references to red reflectors instead of to the tail light. The term "agriculture" covers the use of land as meadow or pasture or orchard or as a market garden or allotment, but it does not include woodlands (s. 17).

(7) *Vehicles drawn or propelled by hand (such as hand-carts, wheelbarrows, perambulators, etc.). Under the R.V. Lighting Regs., 1959-*

6 feet long and 4J feet high, it need not carry any lamps provided it is kept as near as possible to the edge of the carriageway during the hours of darkness.

(6) If such vehicle and any load exceeds any or all of the preceding measurements but is not more than 4 feet wide, it need show only one obligatory front light and a red rear lamp or a red rear reflector.

(c) If such vehicle and any load exceeds 4 feet in width it must carry two lamps showing white light to the front. It must also have a red rear reflector or a red rear lamp.

(d) Any red rear reflector or red rear lamp referred to in paragraphs (b) and (c) above, must be fixed on the off-side within at least 16 inches from the side, and no more than 3 ft 6 ins. or less than 15 inches from the ground.

(e) If the vehicle carries a load extending more than 3J feet behind its tail light, a red rear lamp must also be carried so that no part of the load projects more than 3 J feet beyond it. (Reg 31).

(8) *Towed Vehicles.*- When a vehicle is drawing or towing one or more other vehicles, the drawing vehicle must show its obligatory front lights and the last or hindmost vehicle must show its two obligatory red rear lights and two red reflectors (s. 9). No other lights need be displayed, except :

(1) If the distance between any two of the vehicles exceeds 5 feet, both vehicles must be fully lighted ;

(2) If any part of any vehicle being towed or if its load projects or overhangs on either side more than 12 inches beyond the centre of the white light lamp carried on the same side by the drawing vehicle or by any preceding vehicle which is also being drawn by the same vehicle, such broader vehicle must display on the projecting side a front white light so placed that no part of the vehicle or its load projects outward more than 12 inches beyond the centre of such lamp (s. 9).

(3) If any towed or towing vehicle otherwise exempt from carrying lights projects laterally beyond the other vehicles by more than 12 inches then it will have to carry a white front light and a red rear light to indicate the projection. As to the position of the rear red light see under " Projecting or Overhanging Loads " below.

(9) *Projecting or Overhanging Loads.* If a load on a vehicle projects to the rear more than 3£ feet behind its tail lamp or any red reflector, a separate red rear lamp must be carried so that no part of the load projects to the rear more than 3J feet behind that rear lamp. Such a " projecting " lamp may be in addition to or

(s. 8). In relation to : (a) a vehicle carrying a fire escape ;
and

(b) a mechanically propelled vehicle being a land tractor or an

agricultural tractor on which is mounted an agricultural implement. (Lighting Regs., 1959. Reg. 24).

(a) from the outermost part of the vehicle on the same side as that on which the load overhangs ; or (b) if the vehicle is drawing one or more vehicles, from the outermost part of the rearmost vehicle on the same side as that on which the load overhangs, the vehicle shall carry a rear lamp in the ' relevant position ' to indicate the overhang (Reg. 25 (1)).

" Relevant position " means a position on any side on which the load overhangs laterally, which is as near as practicable to the outer edge of the load and which is such that no part of the load projects outwards more than 12 inches beyond a vertical line through the nearest part of the illuminated area of the rear lamp (Reg. 25 (2)).

This regulation applies to a towed vehicle which need not carry red rear lights by virtue of s. 9 of R.T.L. Act, 1957, but it does not apply to any vehicle carrying loose agricultural produce not baled or crated (Reg. 25 (3 & 4)).

Rear lamps marking projecting loads must at night be kept properly trimmed, lighted and in a clean and efficient condition (Reg. 26).

N.B. Grasscutters (motor mowers) which are mechanically propelled but usable only under control of pedestrians are to be treated as not being motor vehicles and as vehicles propelled by hand. (1957 Act, s. 10 and R.T. Act, 1960, s. 254).

Multi-purpose lamps. Nothing in these Lighting Acts shall require a vehicle to carry separate lamps for different purposes if it carries a lamp satisfying all the requirements which would be applicable to separate lamps carried by it for these purposes (s. 4).

Any multi-purpose lamp (showing white light to the front and red light to the rear) on a sidecar, tractor, hand or horse drawn vehicle should be at least 16 inches from the side of the vehicle (Reg. 7, (1959)).

Reversing White Lights. A vehicle may carry one or two reversing lights showing a white light to the rear only for the purposes of reversing (1957 Act, s. 2).

Any such light shall be electric (not exceeding 24 watts) non-dazzling and switched on either automatically by use of the reverse gear or by a switch operated by the driver. In vehicles manufactured after 1st July, 1954, this switch must serve no other purpose and there must be a device to show that the light is on. Only when the vehicle is reversing shall the reversing white light be shown (Regs. 16 to 19).

Rear Lamps. Such lamp must show red light to the rear

of motor cycles, sidecars, bicycles, tricycles, four-wheeled pedal cycles, agricultural implements, trailer pumps, hand-propelled and horse-drawn vehicles when the diameter may be 1J inch or equivalent area if not round. An exception *is* allowed for a lamp on a motor vehicle or trailer made in Italy if the lamp bears a marking approved by the Italian Ministry of Transport, viz " IGM " and " LP " (R.V.L. (A) (No. 2) Kegs. 1961). In the case of motor cycles and sidecars the electric bulbs must not be less than 6 watts. When two rear lamps are carried they must look alike and be so wired that if one goes out the other remains alight and this Keg. shall not apply to existing large passenger vehicles (Reg. 14 (1959)).

Every obligatory rear lamp shall be marked with the specification number B.S. 2516, and " Grade I " or " Grade II " (except in the case of a cycle, a four-wheeled pedal cycle not propelled by mechanical power, or a bicycle propelled by mechanical power,

facturer. An exception is allowed for a lamp on a motor vehicle or trailer made in Italy if the lamp bears a marking approved by the Italian Ministry of Transport, viz " IGM " and " LP " (R.V.L.

rear lamp fitted with an electric bulb and carried on a mechanically propelled vehicle first registered after 1st April, 1959 or carried on any vehicle supplied by its manufacturer after that date and to

after 19 Oct. 1962 (Reg. 15 and 1961 Regs.).

Obligatory red rear lamps should be fixed on a vehicle in accordance with the First Schedule to the 1959 Kegs. (Reg. 13).

and (b) carrying a load projecting to the rear in such manner that the rear lights would not be visible from a reasonable distance,

(Reg. 32).

not complying with the prescribed conditions (1957 Act, s. 12 and R.T. Act, 1962, s. 16).

Red Reflectors. The 1957 Act, s. 1 directs that every vehicle on any road during the hours of darkness must carry two unobscured and efficient red reflectors. Reflector in this section means one facing to the rear (s. 1). A person who causes or permits a vehicle to be on a road must provide same. Bicycles, tricycles and solo motor cycles need have only one. Every red reflector carried on a vehicle shall :

(1) Be of the required standard of efficiency as regards red reflecting power and shall not reflect any letter, number or other mark.

(2) Have an exposed reflecting surface giving a circle of 11 inches diameter and, if not round, an equivalent area.

(3) Be clean and unobscured and plainly visible from the rear.

(4) Be fixed in a vertical position and facing squarely to the rear, on the centre line or offside of the vehicle, not less than 15 inches above the ground, and so that no part of the vehicle projects to the rear of the reflector more than 30 inches, or

A group of small reflectors close together will count as an obligatory reflector (see Reg. 23). Every reflector shall be marked with specification number B.S. 2515, " Grade I " or " Grade II "

made in Italy if the reflector bears a marking approved by the Italian Ministry of Transport, viz " IGM " and " C.1 " or " C.2 ").

mechanically propelled vehicle first registered after 1st April, 1959, or carried on any vehicle supplied by its manufacturer after that

On a vehicle (a) constructed or adapted to carry goods or burden,

the reflectors would be obscured the reflectors shall be attached to the load in the prescribed positions (Reg. 32).

It is an offence to sell or offer or expose for sale any reflector not complying with the prescribed conditions (1957 Act, s. 12 and

Lighting of Rear Identification or Registration Mark.

vehicle not being a works truck is upon a public road, a lamp shall reflection, transparency or otherwise, and render easily dis-

back of the vehicle or on the back of the rearmost vehicle attached to the vehicle (Reg. and Lic. Regs., 1955, Regs. 25, 26).

NOTE : The identification mark is now called registration mark. See " Identification Mark," Chap. XXV.

On every mechanically propelled vehicle registered for the first time on or after 1st October, 1938, not being a works truck, this illuminated rear registration mark must be easily distinguishable in the absence of fog by an observer behind the vehicle who is more than 10 feet distant and not more than 60 feet directly behind

or pedestrian controlled vehicle), provided that this does not apply where the police authorise vehicles without lights on adequately lighted parking places or hackney carriage stands

illuminated by transparency or translucency, the letters and

figures must, when so illuminated during the hours of darkness, appear either red or white (Reg. and Lie. Regs., 1955, Reg. 21 and 3rd Sched.).

Front Lamps. Under the Road Vehicles Lighting Regulations, 1959 :

(a) An obligatory front lamp shall be so fixed that its centre is not higher than 5 feet from the ground. This does not apply to large passenger vehicles or snow ploughs. (On horse-drawn vehicles it may not exceed 5 feet 9 inches from the ground (Reg.

*)

Except in the case of a snow plough or aerodrome fire tender or aerodrome runway sweeper every electric light (other than 7 watts) or acetylene lamp showing light to the front must be fixed not more than 3 feet 6 inches from the ground and except in the case of a lamp used only in fog or falling snow, not less than 2 feet from the ground. Provided that this will not apply to a vehicle registered before 1st January, 1952, a vehicle for combat purposes or for engineering operations in combat areas or a vehicle supplied to the Forces before 1st January, 1956 (Regs. 8, 9 and K.V.L. (A) Regs. 1961).

(6) An obligatory front lamp shall be fixed so that no part of the vehicle or its equipment (except mirror and indicator Reg. 3) extends more than 12 inches beyond the centre of the lamp on the side that the lamp is placed. This does not apply to motor or pedal bicycles or to tower wagons (Reg. 4).

(c) On horse-drawn vehicles, such a front lamp shall not be behind the axle if only one axle, and it shall not be more than 18 inches behind the front axle in the case of a vehicle having more than one axle (Reg. 4).

(d) If there is only one obligatory front lamp, it shall be fixed on the off-side of the vehicle except in the case of a solo motor or pedal bicycle (Reg. 6).

(e) If two obligatory front lamps are carried, they shall be fixed on opposite sides of the vehicle, and, except in the case of a bicycle with sidecar, they shall be fixed at the same height from the ground (Reg. 5).

The Minister has power to make regulations prescribing additional requirements regarding head lamps (K.T. Act, 1962, s. 15).

Anti-Dazzle. Unless allowed by regulation, no light from a vehicle other than a dipping headlight, shall be moved by swivelling, deflecting or otherwise while the vehicle is in motion (s. 3) except in the case of a bicycle or tricycle, amber coloured reflectors attached to or incorporated in or forming part of the pedals are permissible (R.T.L. (A.) Act, 1958). Under the Road Vehicles Lighting Regulations, 1959, no front lamp (electric or acetylene) shall be used on any vehicle other than a pedal bicycle or tricycle unless it is so made, fitted and kept, that the beam of light from it :

(1) U permanently deflected downwards so that it cannot dazzle

level is not less than 3 feet 6 inches high ; or

(2) can be deflected downwards or both downwards and to the left so that it cannot dazzle such a person, or

(3) can be extinguished by a device which leaves a non dazzling beam of light (as under (1)), or

(4) can be extinguished by a device which at the same time either deflects the light from another lamp downwards or both downwards and to the left so that it cannot dazzle (see (1) above), or brings into or leaves in operation a non-dazzling light

vided that a lamp will not comply with (1) unless its centre is

or falling snow (Keg. 9).

The above does not apply to any direction indicator or lamp

having frosted glass or other light -diffusing material nor to a lamp carried on a four -wheeled pedal cycle, and flashing blue or amber

It applies to electric light lamps and acetylene light lamps on vehicles (Reg. 9).

The light from not more than two front lamps (other than the obligatory front lamps) may be deflected to either side by the movements of the front wheels provided such lamps are not more than 3 feet 6 inches from the ground (Reg. 10).

Every electric light bulb in a front lamp in a motor vehicle shall have the wattage indelibly marked on the glass or on the metal cap (Reg. 11).

No bulb or bulbs over 7 watts power in a front lamp shall be kept lighted while the vehicle is stationary in a road. However,

engens ; to interior lighting of vehicles ; to break -down vehicles or tower-wagons in use at their special work : to direction in

clearance vehicle ; to searchlights or special lamps used for naval, military, air force, police or fire brigade purposes or to searchlights or special lamps on vehicles used for repairs to sewers, gas, electricity or water mains whilst repairs are being made (Reg. 12).

Lighting on long vehicles and trailers. The Road Vehicles Lighting (Long Vehicles and Trailers) Regs. 1962 provide (from combinations of vehicles and by trailers of additional lamps which

PART V. TRAFFIC LAW

and are designed, as their names imply, to show up the vehicles and their loads at night. The chief provisions are (1) vehicles, or com-

must carry " side marker lamps " (Kegs. 4 and 5 ; for exceptions see Reg. 6) ; (2) combinations of a towing vehicle and a trailer or trailers carrying a supported load which inclusive of load exceed 40 feet but do not exceed 60 feet in length, must carry " side marker lamps " (Kegs. 7 and 8) ; (3) trailers must carry " front corner marker lamps " (for exceptions see Reg. 11). If they are over 30 feet in length " side marker lamps " must be carried (Reg. 9) ; (4) " front corner" and " side marker" lamps must comply with the conditions laid down in Regs. 12 and 13.

Parking Lights. This subject has been dealt with by Road Vehicles Lighting (Standing Vehicles) (Exemption) (General) Regs., 1951 (for the whole country except London, which was dealt with by similar (Exemption) Regs., 1955). The Regs. apply to passenger vehicles, goods vehicles, invalid carriages and motor cycles and pedal cycles with or without sidecars but do not apply to vehicles needing special lamps (see s. 8, 1957 Act) or with trailers. (Reg. 3).

" Passenger Vehicle " here means motor vehicle (not cycle or invalid carriage) made solely for passengers and their effects and adapted to carry not more than 7 persons and the driver.

" Goods Vehicle " here means motor vehicle of unladen weight not exceeding 2 tons, made or adapted for carriage of any burden (Reg. 2).

Parking without lights is allowable as above on a road (" road " includes part of a road (Reg. 2)) having a speed limit provided that (a) the vehicle is close to the left of the road and if it is one-way close to left or right of the road as the case may be; (b) the vehicle is not more than 25 yards from a lighted street lamp (unless the light has become accidentally extinguished); (c) the vehicle is not within 15 yards of a road junction; (d) the road is so specified in written consent by the Chief of Police and the prescribed traffic sign is on or near the lamppost (Reg. 4. 5). A vehicle permitted to park on a parking place or hackney carriage stand need not show lights if the Chief of Police has given written consent (Reg. 6). Such a vehicle (as above) may park on a road having a speed limit without the lights then required by law provided it :

- (a) Stands with left side close to edge of road.
- (b) is not more than 15 yards from a street lamp.
- (c) is not within 15 yards of a road junction.
- (d) shows a white light to front and a red light to rear (Reg. 7).

These lights are termed " parking lights." They must be on the off side of the vehicle not less than 15 inches or more than 6

Extent of Acts and Regulations. The 1957 Act applies to vehicles and persons in the public service of the Crown and the service or the department concerned should be asked to name the person responsible for any alleged offence. It applies to vehicles of every description and machines and implements of any kind drawn or propelled along roads (s. 17). It does not apply to railroad vehicles or to tramcars (s. 18).

The Minister is given wide powers to make regulations exempt

R.V.L. Regs., 1959 (Regs. 27 to 30) deal with vehicles used for Naval, Military, or Air Force purposes, and vehicles of the visiting forces.

Vehicles used on manoeuvres, and vehicles used in training,

police, are exempt from all the requirements as to lighting. Searchlights may be used on such vehicles.

Where from six to twelve such vehicles are proceeding in convoy on tactical or driving exercises after notice to the police, white lights on front vehicle, faint underneath white lights on the middle vehicles and red rear light on last vehicle are allowable.

have red rear lamps and red reflectors not more than 5 feet 6 inches from the ground.

Vehicles of a visiting force should comply with the rules

Vehicles from Abroad. Mechanically propelled vehicles brought temporarily into Gt. Britain by a person resident outside the United Kingdom need not comply with the above regulations provided they comply with the requirements of the Annex to the Convention on Road Traffic, Geneva 19th Sept. 1949 (Reg. 33).

Offences. Any person who causes or permits any vehicle to thereunder, or who otherwise fails to comply with these provisions, commits a summary offence (s. 12). No power of arrest without warrant is given by the Act. The person driving or being in charge of a vehicle has a good defence if he proves that the offence arose through the negligence or default of some other person whose duty it was to provide the vehicle with lamps or reflectors (s. 12). It shall be the duty of the person who causes or permits a vehicle to be on any road during the hours of darkness to provide the vehicle with the prescribed lamps and reflectors (s. 1).

A person is liable to the penalty which is the law at the time when his offence is dealt with in Court. (*D.P.P. v. Lamb* (1941)),

Definitions, Lighting Act 1957. " Hours of darkness " means the time between half an hour after sunset and half an hour before sunrise.

" Public passenger vehicle " means a vehicle (other than a tramcar) carrying passengers for hire or reward on a road.

" Vehicle " means a vehicle of any description and includes a machine or implement drawn or propelled along roads whether by animal or mechanical power.

" Road " means any highway and any other road to which the public has access (s. 17).

Chapter XXV

ROAD VEHICLES

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hensive term to include every conveyance the movement of which upon the highway goes to make up the expression " traffic ", or more particularly " vehicular traffic ". In this sense the Oxford English Dictionary defines " vehicle " as meaning any means of carriage, conveyance, or transport; a means of conveyance provided with wheels or runners and used for the carriage of persons or goods. Passenger vehicle means a vehicle constructed solely for the carriage of passengers and their effects (M.V. (C. & U.) and Tracklaying Regs. 1957).

The Highway Act, 1835, and the Town Police Clauses Act, 1847, dealt with highways and streets and used the word " carriage " to include the vehicles of the period, such as carriages, wagons, carts and other animal-drawn vehicles, sledges, trucks, and barrows.

The Local Government Act, 1888, s. 85, declares that bicycles, tricycles, and other similar machines are " carriages " within the meaning of the Highway Acts.

The Road Traffic Act, 1960, s. 256. enacts that any motor vehicle or trailer shall be deemed to be a carriage within the meaning of any Act and of any rule, regulation or byelaw

class, shall, for the purpose of any enactment relating to carriages of that class, be deemed to be a carriage of that class.

Thus, generally speaking, all road vehicles are " carriages ", and owners and drivers have to comply with the law dealing with carriages, as well as to obey the particular rules affecting the class of vehicle they own or drive.

Road vehicles, irrespective of the power by which they are drawn or propelled, are either:

(1) Private vehicles, that *is* to say, vehicles which are not licensed by any authority to convey members of the public or goods for hire or reward, or

(2) the proper authority, carry on the roads passengers or goods for payment. Such vehicles are of various types, but all should have been passed by some authority as suitable for the purpose of carrying persons or goods on the highway for hire.

Public vehicles consist of:

(1) on the roads under statutory authority. For the purposes of the Road Traffic Act, 1960. and the Road Transport Lighting Act, 1957, " tramcar " includes any carriage used on any road by virtue of an Order made under the Light Railways Act, 1896. and " trolley vehicle " means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

See also

R.T. Act, 1960, s. 257.

(2) Hackney carriages and stage coaches. These are vehicles which are licensed by the Local Authority for standing or plying for hire in the streets of its district. They are dealt with later under " Hackney Carriages and Stage Coaches ".

(3) Public service vehicles. These are certain classes of motor vehicles which are licensed for the carrying of passengers for hire or reward. They are regulated by Part III of the R.T. Act, 1960, and particulars are given later under " Public Service Vehicles ".

(4) Special regulations apply to the nature and (or) use of a vehicle and are given under the following headings: Carts and Wagons. Pedal Cycles.

Public Service Vehicles. Goods
Vehicles. Mechanically Propelled
Vehicles.

Carts and Wagons. Horse-drawn carts, wagons and other vehicles of the like kind are carriages within the various statutes dealing with vehicles and traffic. Such vehicles must bear the names and addresses of their owners.

Highway Act, 1835: Under section 76, the owner's name and address must be painted on some conspicuous part of the off side of every wagon, cart or other such carriage, or on the off-side shaft thereof, in large legible letters (white upon black or black upon

the highway without the name and address, or suffers same to

become illegible, or has a false name or address thereon, he

Under section 78, the driver of any wagon, cart or other such carriage, not having the owner's name painted and remaining commits an offence.

Pedal Cycles. Bicycles, tricycles and other similar machines are carriages within the Highways Acts (Local Government Act, 1888, s. 85).

Pedal cycles must display front white and rear red lights and reflectors during the hours of darkness. See "Lights on Vehicles",

Only one person may travel on a pedal cycle unless it is prepared for the carriage of more than one person. (R.T. Act 1960, s. 13.)

for the purpose of being drawn. (R.T. Act 1980, s. 219 and R.T. Act 1962, s. 45).

R.T. Act 1960, s. 70 as amended by R.T. Act 1962. s. 43 allows the Minister to make regulations governing the construction,

appliances for giving warning of approach and the testing and inspection by authorised persons of any equipment prescribed,

to prohibit the sale of pedal cycles which do not comply with the requirements. It will be an offence to sell or supply, or offer to sell or supply a pedal cycle which does not comply with the Regs. It

sale or supply for export from Gt. Britain, or that there was

Gt. Britain, or would not be so used until it had been put into a condition in which it might be lawfully so used. The provisions of the R.T. Act 1960 which apply to tricycles which are not motor vehicles are extended to cover cycles having 4 or more wheels

Brakes on Pedal Cycles Regs., 1954, apply to pedal bicycles and

18 inches shall:

(1) if it is " freewheeled" have two independent braking

systems, one acting on the front wheel or wheels and the other acting on a rear wheel.

(2) if it is " fixedwheeled " have a braking system acting on the

If it is a tricycle not constructed or adapted for the carriage of goods it will be sufficient to have two independent braking systems acting on the front wheel if it has two rear wheels or on the rear wheel if it has two front wheels.

Every other cycle shall have at least one braking system (Reg. 4). All braking systems shall be efficient and kept in proper working order and should not act directly on tyres (Reg. 5). No person shall ride or cause or permit a cycle to be ridden on a road unless it complies with these Regulations (Reg. 3). Above Regulations do not apply to a cycle with pedals acting directly upon any wheel or to a cycle brought temporarily into the country by a person resident abroad (Reg. 6). A police officer in uniform may test and inspect the brakes of any cycle on a road. He may do so on premises where the cycle is, within 48 hours of any accident in which the cycle was involved, if the owner of the premises consents (Reg. 8).

N.B. "owner" in this Regulation may include the occupier. The following sections of the R.T. 1960 Act apply to persons riding pedal cycles and pedal tricycles: S. 9 (reckless and dangerous cycling). S. 10 (careless cycling).

S. 11 (cycling under the influence of drink or a drug) but not the attempting to so ride.

S. 223 (power of police to stop vehicles). S. 228 (power to obtain names and addresses and to arrest in certain cases).

s. 9 and 10 above.

And s. 10 (which enables charge of careless cycling to be substituted for reckless or dangerous cycling). However these offences, in such case, will not be indictable and any fines imposed will be smaller.

S. 12 deals with a race or trial of speed on a public highway between pedal cycles or pedal tricycles. It must be authorised and conducted under regulations made by the Minister. See Cycle Racing on Highways Regs. 1960.

Hackney Carriages and Stage Coaches. A hackney carriage, for traffic purposes, is a vehicle which stands or plies for hire in the streets, the driver putting the whole carriage at the disposal of the hirer, and the vehicle, if a motor vehicle, being adapted to carry less than eight passengers.

These hackney carriages, when they stand or ply for hire in an urban district or a rural district to which the Town Police Clauses Act, 1847, applies, require to be licensed by the Local Authority (s. 37), and if mechanically propelled they are usually called taxicabs or taxis.

A stage coach or stage carriage is a vehicle which proceeds from stage to stage and which stands or plies for hire for passengers at separate fares in the streets.

A tramcar is a stage carriage for the purposes of the Stage Carriages Act, 1832 (*Chapman v. Kirhe* (1948)).

Such stage coaches when they stand or ply for hire in the districts mentioned below should be licensed for the purpose by the Local Authority, and they are usually horse-drawn wagonettes or chars-a-banc.

Above vehicles are regulated by the Town Police Clauses Acts, 1847 and 1889, which are in force in towns and urban districts and in those rural districts which have procured the necessary Order from the Home Office. The provisions of these Acts as to hackney carriages and stage coaches are incorporated with the Public Health Act, 1875 (see ss. 171. 276).

Town Police Clauses Act, 1847, s. 38, declares that every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the district shall be deemed to be a hackney carriage, but that the term shall not include any stage coach standing or plying for passengers to be carried for hire at separate fares. (However, certain offences are common to hackney carriages and stage coaches. See later.)

Town Police Clauses Act, 1889, s. 3, defines the term " omnibus " as including every char-a-banc, wagonette, stage coach and other carriage plying or standing for hire for passengers at separate fares within the district (trams and omnibuses used for certain specified purposes being excepted).

However, the Road Traffic Act, 1960, has restricted the extent of these definitions, as under s. 117 any motor vehicle which either carries passengers at separate fares or which is adapted to carry eight or more passengers is now a " public service vehicle ", and as such it must be licensed by the Licensing Authority and not by the Local Authority (see " Public Service Vehicles "). Accordingly a motor vehicle to be a " hackney carriage " must be a vehicle adapted to carry less than eight passengers, and the term " stage coach " is used as applying to animal-drawn vehicles carrying passengers at separate fares.

The Town Police Clauses Acts, 1847 and 1889, apply only to hackney carriages (as now defined) and to horse-drawn and other non-mechanically propelled " omnibuses " which are here termed stage coaches.

Under these Town Police Clauses Acts (where they apply) it is necessary that the proprietors, the drivers and conductors, and the hackney carriages and stage coaches shall be licensed by the local council. The local council at its discretion may license such passengers and persons, and the proprietors, drivers and conductors must comply with the provisions of the Acts and of any byelaws made by the council for the regulation of such vehicles.

Such local byelaws usually prescribe rules for the conduct of the drivers and conductors, for the safety and comfort of the passengers, for the standing places allotted for the vehicles, and for the fares which may be charged. They also provide that property left in the vehicles by passengers should be brought to an office

so that same may be regained by the owners and the authorised

The Town Police Clauses Act, 1847, creates certain offences as regards hackney carriages, and the Town Police Clauses Act, 1889, directs that certain of the sections of the 1847 Act shall apply to " omnibuses ", a term which covers stage coaches as defined above.

Ss. 51, 52: Number of persons to be carried must be displayed outside; no more need be carried and that number must be carried if required.

S. 54: Demanding more than the previously agreed fare. S. 58:

Taking more than the authorised fare. S. 61: Driver being intoxicated while driving, or driver injuring or endangering any person or property by furious driving or any other wilful misconduct. (See also Stage Carriage Act, 1832, s. 48.)

S. 62: Leaving vehicle unattended in street. S. 64: Obstruction of the street or of any other carriage, or of the hiring of any other hackney carriage (or stage coach). S. 66: Hirer refusing to pay the authorised fare.

The offences under the Town Police Clauses Act, 1847, which are peculiar to hackney carriages include:

S. 53: Refusing, without reasonable excuse, to take a hirer or would-be hirer to any place within the district.

S. 55: Agreement to pay more than the legal fare is not binding, and any excess paid may be recovered and the driver punished.

S. 57: If driven to a place there to wait, the driver is entitled to his fare and a deposit for waiting, but if he then goes away or refuses to account for the deposit he commits an offence.

S. 59: No person may be carried without the express consent of the hirer.

Public Health Act, 1936, ss. 159, 160. The person in charge of a public conveyance must have it disinfected after it has

Such person must not enter or be conveyed in a public conveyance carrying passengers at separate fares and need not be taken in any other public conveyance until the cost of disinfection is paid. The Stage Carriages Act, 1832, and the Railway Passenger Duty Act, 1842, provide that a stage coach and a tramcar shall not carry a greater number of passengers than it is constructed to carry. The number to be carried shall be painted outside (at

back) and inside, and fit and proper seats (16 inches space) shall

Vehicles (Excise) Act, 1962, s. 24, defines hackney carriage as a mechanically propelled vehicle standing or plying for hire.

As no place is mentioned this definition covers a carriage standing or plying for hire in any yard, premises or other private

tion
for revenue purposes only. If such an excise " hackney carriage " is mechanically propelled and a less rate of duty has been paid on it because it is used for hire work, then, in addition to its registration marks it must carry a hackney carriage plate, as set out in the 4th Sched., showing its seating capacity. (Road

this excise
" hackney carriage " licence and plate does not render it a hackney carriage competent to stand or ply for hire in a street in a district to which the Town Police Clauses Act, 1847, applies.

plate, bearing its
licence number, and its driver should carry a
additional " hackney
carriage " plate is not necessary.

Public Service Vehicles. R.T. Act, 1960, Part III, deals with certain motor vehicles used in the service of the public in service vehicles.

Classification of Public Service Vehicles. A public service vehicle is a motor vehicle used for carrying passengers for hire or reward which either (a) is carrying passengers at separate fares, or (b) is not carrying passengers at separate fares but is adapted to carry 8 or more passengers. " Motor vehicle " here does not include a tramcar or trolley vehicle.

at separate fares not being an express carriage.

An express carriage is a public service vehicle carrying

greater sum as may be prescribed. For this purpose (a) a composite fare for more than one journey shall not be regarded as representing the aggregate of fares for any less amount, and (b) no account shall be taken of any fare which is charged in the case of passengers of particular descriptions if a fare of not less than 1/- or such greater sum as may for the time being be prescribed, is charged for the like service in the case of all passengers not falling within any of those descriptions.

A contract carriage is a public service vehicle not carrying passengers at separate fares (s. 117). The holder of the licence must keep a record and the driver carry a work ticket (Contract Carriage Records Regs. 1960).

Circumstances affecting classification of Public Service Vehicles.
By s. 118 and 12th Sched. a vehicle adapted to carry less than

meetings, public gatherings, etc. (Part I) for certain journeys with 4 passengers or less (Part II) for overseas visitors (Part III)

shall not be treated as a public service vehicle. Also a public service vehicle carrying passengers at separate fares shall be treated as a "contract carriage" when used for overseas visitors (Part III) or under certain conditions (Part IV of 12th Sched.). See also the provisions of the rest of s. 118 and the supplementary provisions of Part V of the 12th Sched.

from work during the six months from June ist, shall be deemed not a public service vehicle (s. 118).

Traffic Areas and Traffic Commissioners: England, Wales and Scotland are divided into eleven traffic areas. Each traffic area

(Cambridge), South Wales (Cardiff). Western (Bristol). South Eastern (London), Metropolitan (London), and Scotland (Edinburgh) (ss. 119 and 120).

Public Service Vehicle Licences. It is an offence for any person to cause or permit a motor vehicle to be used on any road as a stage carriage, express carriage or contract carriage unless he

A stage carriage licence authorises the holder to use the vehicle as an express or as a contract carriage.

An express carriage licence authorises the holder to use the vehicle as a contract carriage.

In the case of a service of stage carriages, an express carriage licence shall authorise the holder to use the vehicle on the service

the vehicle is to be used consent in writing thereto.

Applications for these licences shall be made to the Traffic Commissioners for the traffic area within or from which the vehicle is intended to be ordinarily operated.

A public service vehicle licence may be refused, suspended or revoked if the Traffic Commissioners consider from the conduct of the person or the manner in which the vehicle is being used, that he is not a fit person to hold the licence. A public service vehicle licence will last one year from the date on which it takes effect, unless previously revoked, and if suspended it will be of no effect during the time of suspension. Such a licence is valid in every other traffic area (s. 127).